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Debates of the Legislative Assembly of
United Canada v. 7 1848.

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume VII

1848

1975

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA

1841-1867

Published under the direction of the

Centre d'Etude du Québec

and the

Centre de recherche en histoire économique du Canada Français

General Editor

Elizabeth Gibbs

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume VII

1848

Edited by

Elaine Naves

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE DU CANADA FRANCAIS

5255, avenue Decelles, Montréal, Québec H3T 1V6

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INTRODUCTION

The Introduction to the first Volume of this series, *DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841*, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official *JOURNALS*, was also analysed. On the basis of this analysis of reports and *JOURNALS*, a methodology was elaborated which involved collating the reports and integrating them into the *JOURNALS*.¹ The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian *HANSARD*.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is the basic source material, the newspapers containing the parliamentary reports. Twenty-one newspapers were consulted for the session of 1848, the chief characteristics of which are described in the following table.

1. In this way the entire text of the *JOURNALS* is reproduced in the reconstructed *HANSARD*. Also included are references to Appendices to the *JOURNALS*, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.

| Newspaper | Section | City/Town | Language | Political Orientation | Special M.P.'s | Completeness of Report on Microfilm | Frequency of Distribution | Average Number of Columns Devoted to Assembly per Issue | Completeness of Reports | Community Person Reported to | Images of Reports | Amount of Commentary on Debates, and the usefulness | Coverage Given to Legislative Council | |
|------------------------|---------|-------------------|----------|-----------------------------|--|--|---|---|--------------------------------------|------------------------------|-------------------|--|---------------------------------------|------------------------------|
| L'AUBRE | L.C. | Montreal | French | Radical Reform | French Canadian members in general, L.J. Papineau in particular | Very, commencing March 27 | Twice weekly, Tuesday, Friday | 5 | Good, especially for Lower Canada | A | First, third | Some original, some collected from Montreal English papers | 3 plus | Never |
| L'AVENIR | L.C. | Montreal | French | Radical Reform | L.J. Papineau | One issue missing | Twice weekly, Wednesday, Saturday | 1 to 2 | Brief summaries of Assembly business | A | Third | Original | 3 plus | Never |
| SACHURST COURIER | O.C. | Sachurst | English | Reform | Melissa Cameron | One issue missing | Weekly, Friday | 1 to 1.5 | Very good | A | First, third | Copied, mainly from <u>Pilot</u> | C plus | Occasionally |
| BRITISH COLONIST | O.C. | Toronto, some | English | Moderate Conservative | - | Issues complete, but columns frequently cut away | Twice weekly, Tuesday, Friday | 1 to 1 | Very good | A | First, third | Copied from Montreal papers, especially <u>Montreal Herald</u> | C plus | Occasionally, 1 to 2 columns |
| BRITISH WIG | O.C. | Kingston, Midland | English | Conservative | - | Very | Twice weekly, Wednesday, Saturday | 4 | Excellent | A | First, third | Copied from Montreal papers, especially <u>Montreal Herald</u> , <u>Montreal Courier</u> , <u>Montreal Gazette</u> | 3 plus | Frequently, 1 to 2 columns |
| LE CANADIEN | L.C. | Quebec | French | Reform | French Canadian Reform members | Very | Three times weekly, Monday, Wednesday, Friday | 1 | Good for Lower Canada | A | Third | Original | 3 plus | Never |
| OSATHAM GLEANER | O.C. | Western | English | Conservative | Col. John Prince | One issue missing | Weekly, Tuesday | 5 to 7 | Partially edited accounts | A | First, third | Copied from Montreal papers, especially <u>Montreal Herald</u> , <u>Pilot</u> | C | Never |
| COASTING STAR | O.C. | Newcastle | English | Conservative | - | Very | Weekly, Wednesday | 1 to 3 | Edited accounts of major debates | A | Third | Copied from Montreal papers | C | Never |
| EXAMINER | O.C. | Toronto, some | English | Reform | - | Very | Weekly, Wednesday | 1 to 2 | Sketchy | A | Third | Copied from <u>Pilot</u> , <u>British Columbia</u> | C | Never |
| GLADE | O.C. | Toronto, some | English | Reform | Lower Canada Reform members | Very | Twice weekly, Wednesday, Saturday | 1 | Very good | A | Third | Mainly original, some copied | A | Rarely |
| HAMILTON SPECTATOR | O.C. | York | English | Conservative | Sir Allan Macdonald | Very | Twice weekly, Wednesday, Saturday | 2 | Excellent | A | First, third | Copied from Montreal papers, especially <u>Montreal Herald</u> , <u>Montreal Courier</u> , <u>Montreal Gazette</u> | A | Occasionally |
| LE JOURNAL DE QUEBEC | L.C. | Quebec | French | Reform | French Canadian Reform members | Very | Three times weekly, Tuesday, Thursday, Saturday | 1 to 1.5 | Very good for Lower Canada | A | First, third | Some original, some copied, especially from <u>Le Journal Canadien</u> | A | Never |
| LA MINERVE | L.C. | Montreal | French | Reform | French Canadian Reform members | Very | Twice weekly, Monday, Thursday | 1 | Very good for Lower Canada | A | First, third | Some original, some copied | A | Occasionally |
| MONTREAL GAZETTE | L.C. | Montreal | English | Montreal Urban Conservative | Conservative members | Very | Three times weekly, Monday, Wednesday, Friday | 1 | Excellent | A | First, third | Original | A | Occasionally |
| MONTREAL TRANSCRIPT | L.C. | Montreal | English | Montreal Urban Conservative | Conservative members | Issues complete, but pages and columns missing | Three times weekly, Tuesday, Thursday, Saturday | 1 to 1.5 | Concise but very good reports | A | First, third | Mainly original, others copied from other Montreal papers, such as <u>Montreal Herald</u> , and <u>Montreal Courier</u> | 3 plus | Occasionally |
| MORNING HERALD | O.C. | Quebec | English | Conservative | - | Very | Three times weekly, Monday, Wednesday, Friday | 1 | Very ready | A | Third | Copied | C minus | Never |
| PACKET | O.C. | Bytown, Ottawa | English | Moderate Reform | - | Several issues missing | Weekly, Saturday | 1 to 3 | Quite good | A | First, third | Copied from Montreal papers, especially <u>Montreal Transcript</u> , <u>Montreal Herald</u> , <u>Montreal Gazette</u> | C | Never |
| PILOT | L.C. | Montreal | English | Reform | Reform members, especially A.M. Caron, J.A. D'Ignazio, and F. Fournier | Very | Three times weekly, Monday, Thursday, Saturday | 7 | Excellent | A | First, third | Original | A | Never |
| PRINCE EDWARD GAZETTE | O.C. | Prince Edward | English | Conservative | - | Very | Weekly, Friday | 1 | Sketchy | A | First, third | Copied, mostly from <u>Montreal Transcript</u> | C | Occasionally |
| PROVINCIALIST | O.C. | Quebec, Newcastle | English | Reform | - | Very, commencing March 14 | Weekly, Tuesday | 4 | Good | A | First, third | Some original, others copied from assorted newspapers, including <u>Montreal Transcript</u> , <u>Montreal Herald</u> , <u>Montreal Gazette</u> , <u>Pilot</u> , <u>Glade</u> | 3 | Occasionally |
| ST. CATHARINES JOURNAL | O.C. | Niagara | English | Moderate Reform | William Hamilton Merritt | Very | Weekly, Thursday | 1 to 4 | Edited version of excellent accounts | A | First, third | Copied from Montreal papers, especially <u>Montreal Gazette</u> | C | Occasionally |

The reasons for including such newspapers as the BATHURST COURIER, the CHATHAM GLEANER, the EXAMINER, the COBOURG STAR, the HAMILTON SPECTATOR, the MORNING CHRONICLE, the PACKET and the ST. CATHARINES JOURNAL were explained in detail in the Introduction to Volume 1. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes.

1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The technical forms of this volume remain unchanged from those of preceding volumes: 1) The spelling of speakers' names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, M'Nab instead of MacNab; McFarlane or MacFarlane instead of McFarland; and various spellings of Macdonald and Macdonell. All spelling of names within a speech is left unchanged, however. 2) Whenever a member was reported to have spoken in English or in French, this fact

is noted. For example, "Mr. Cauchon (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centred number is our own. 4) Seven of the newspapers are referred to in abbreviated form, L'AUREOLE DES CANADAS as L'AUREOLE, the BRITISH WHIG, AND GENERAL ADVERTISER as the BRITISH WHIG, the HAMILTON SPECTATOR AND JOURNAL OF COMMERCE as the HAMILTON SPECTATOR, the PACKET AND WEEKLY COMMERCIAL GAZETTE as the PACKET, the PILOT AND JOURNAL OF COMMERCE as the PILOT, the PRINCE EDWARD GAZETTE AND BAY OF QUINTE ADVERTISER as the PRINCE EDWARD GAZETTE, and the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL. 5) The various parentheses used in the newspapers are represented in our text by (). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within a single parenthesis. 7) Words such as "expencc", "controul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR ALLAN MACNAB said that he would go to town....¹ he meant to the town of Three Rivers....² as soon as possible....³" becomes "SIR ALLAN MACNAB said that he would go to town¹, he meant to the town of Three Rivers², as soon as possible³."

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased, but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, "Sir Allan MacNab thinks" while "Captain Steele said" and "Mr. Cooke had opposed." The real editing work occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all

elegancies of language are gratuitous, and such texts were invariably selected for content and not because of the felicity with which they were expressed.

This manuscript was typed in its final form by Mrs. Joan Riley, Miss Halina Monkiewicz and Miss Shirley Kerman. Miss Irene Bilas prepared and typed the very complex subject index. Miss Louise Tremblay also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

EXECUTIVE COUNCILLORS

AND THEIR POSITIONS

I

THIRD PARLIAMENT - FIRST SESSION
25 February 1848 to 23 March 1848

| | |
|--|-----------------------------------|
| BADGLEY, William | |
| Member of the Executive Council: | 23 April 1847 to 10 March 1848 |
| Attorney General, L.C.: | 23 April 1847 to 9 March 1848 |
| BRUNEAU, François Pierre | |
| Member of the Executive Council: | 8 December 1847 to 10 March 1848 |
| Receiver General: | 8 December 1847 to 10 March 1848 |
| Member of the Legislative Council: | 9 June 1841 to 4 March 1851 |
| CAMERON, John Hillyard | |
| Member of the Executive Council: | 22 May 1847 to 10 March 1848 |
| Solicitor General, U.C.: ¹ | 1 July 1846 to 10 March 1848 |
| CAYLEY, William | |
| Member of the Executive Council: | 6 August 1845 to 10 March 1848 |
| Inspector General: | 6 August 1845 to 10 March 1848 |
| DALY, Dominick | |
| Member of the Executive Council: | 13 February 1841 to 10 March 1848 |
| Provincial Secretary, Canada: | 1 January 1844 to 10 March 1848 |
| MACDONALD, John Alexander | |
| Member of the Executive Council: | 11 May 1847 to 10 March 1848 |
| Commissioner of Crown Lands: | 8 December 1847 to 10 March 1848 |
| MCGILL, Peter | |
| Member of the Executive Council: | 31 May 1847 to 10 March 1848 |
| Member of the Legislative Council: | 9 June 1841 to 28 September 1860 |
| Speaker of the Legislative Council: | 21 May 1847 to 10 March 1848 |
| MORRIS, William | |
| Member of the Executive Council: | 2 September 1844 to 10 March 1848 |
| President of the Executive Council: | 22 May 1847 to 10 March 1848 |
| Member of the Legislative Council: | 9 June 1841 to 29 June 1858 |
| SHERWOOD, Henry | |
| Member of the Executive Council: | 29 May 1847 to 10 March 1848 |
| Attorney General, U.C.: | 29 May 1847 to 10 March 1848 |
| 1. The Solicitor General for Lower Canada, Joseph Edouard Turcotte, was not a member of the Executive Council. | |

EXECUTIVE COUNCILLORS

AND THEIR POSITIONS

II

THIRD PARLIAMENT - FIRST SESSION

25 February 1848 to 23 March 1848

AYLWIN, Thomas Cushing

Member of the Executive Council:

11 March 1848 to 25 April 1848

Solicitor General, L.C.:

11 March 1848 to 25 April 1848

BALDWIN, Robert

Member of the Executive Council:

11 March 1848 to 27 October 1851

Attorney General, U.C.:

11 March 1848 to 27 October 1851

CAMERON, Malcolm

Member of the Executive Council:

11 March 1848 to 1 February 1850

Assistant Commissioner of Public Works:

11 March 1848 to 1 February 1850

CARON, René Edouard

Member of the Executive Council:

11 March 1848 to 26 November 1849

Member of the Legislative Council:

9 June 1841 to 16 March 1857

Speaker of the Legislative Council:

11 March 1848 to 14 August 1853

HINCKS, Francis

Member of the Executive Council:

11 March 1848 to 10 September 1854

Inspector General:

11 March 1848 to 10 September 1854

LAFONTAINE, Louis Hyppolyte

Member of the Executive Council:

10 March 1848 to 27 October 1851

Attorney General, L.C.:

10 March 1848 to 27 October 1851

LESLIE, James

Member of the Executive Council:

11 March 1848 to 27 October 1851

President of the Executive Council:

11 March 1848 to 14 September 1848

PRICE, James Hervey

Member of the Executive Council:

11 March 1848 to 27 October 1851

Commissioner of Crown Lands:

11 March 1848 to 27 October 1851

SULLIVAN, Robert Baldwin

Member of the Executive Council:

11 March 1848 to 14 September 1848

Provincial Secretary:

11 March 1848 to 14 September 1848

Member of the Legislative Council:

9 June 1841 to 30 May 1851

TACHE, Etienne Paschal

Member of the Executive Council:

11 March 1848 to 25 November 1857

Chief Commissioner of Public Works:

11 March 1848 to 26 November 1849

VIGER, Louis Michel

Member of the Executive Council:

11 March 1848 to 26 November 1849

Receiver General:

11 March 1848 to 26 November 1849

MEMBERS OF THE LEGISLATIVE ASSEMBLY

AND THEIR CONSTITUENCIES

1848¹

| | |
|---|--------------------------|
| Armstrong, David Morrison..... | Berthier, L.C. |
| Aylwin, Thomas Cushing..... | Quebec, City, L.C. |
| Badgley, William..... | Missisquoi, L.C. |
| Baldwin, Robert..... | York, North Riding, U.C. |
| Beaubien, Pierre..... | Chambly, L.C. |
| Bell, Robert..... | Lanark, U.C. |
| Blake, William Hume..... | York, East Riding, U.C. |
| Boulton, Henry John..... | Norfolk, U.C. |
| Boulton, William Henry..... | Toronto, City, U.C. |
| Bouthillier, Thomas..... | St. Hyacinthe, L.C. |
| Brooks, Samuel..... | Sherbrooke, County, L.C. |
| Burritt, Read..... | Grenville, U.C. |
| Cameron, John Hillyard..... | Cornwall, Town, U.C. |
| Cameron, Malcolm ² | Kent, U.C. |
| Carroll, Peter ³ | Oxford, U.C. |
| Cauchon, Joseph Edouard..... | Montmorency, L.C. |
| Cayley, William..... | Huron, U.C. |
| Chabot, Jean..... | Quebec, City, L.C. |
| Chauveau, Pierre Joseph Olivier..... | Quebec, County, L.C. |
| Christie, Robert..... | Gaspé, L.C. |
| Crysler, John Pliny..... | Dundas, U.C. |
| Cuthbert, William..... | Bonaventure, L.C. |
| Daly, Dominick..... | Megantic, L.C. |
| Davignon, Pierre..... | Rouville, L.C. |
| DeWitt, Jacob ⁴ | Beauharnois, L.C. |
| Dickson, Walter Hamilton..... | Niagara, Town, U.C. |
| Drummond, Lewis Thomas..... | Shefford, L.C. |
| Duchesnay, Antoine Juchereau..... | Portneuf, L.C. |
| Dumas, Norbert..... | Leinster, L.C. |
| Egan, John..... | Ottawa, County, L.C. |
| Flint, Billa..... | Hastings, U.C. |
| Fortier, Thomas..... | Nicolet, L.C. |
| Fournier, Charles François..... | L'Islet, L.C. |
| Fourquin, dit Leveillé, Michel ⁵ | Yamaska, L.C. |
| Gugy, Bartholomew Conrad Augustus..... | Sherbrooke, Town, L.C. |
| Guillet, Louis..... | Champlain, L.C. |
| Hall, James..... | Peterborough, U.C. |
| Hincks, Francis ³ | Oxford, U.C. |
| Holmes, Benjamin..... | Montreal, City, L.C. |
| Jobin, André..... | Montreal, County, L.C. |
| Johnson, Thomas Hall..... | Prescott, U.C. |
| LaFontaine, Louis Hippolyte ⁶ | Montreal, City, L.C. |
| | Terrebonne, L.C. |
| Laterrière, Marc Pascal de Sales..... | Saguenay, L.C. |

| | |
|--|----------------------------|
| Laurin, Joseph..... | Lotbinière, L.C. |
| Lemieux, François..... | Dorchester, L.C. |
| Leslie, James..... | Verchères, L.C. |
| Lyon, George Byron..... | Russell, U.C. |
| Macdonald, John Alexander..... | Kingston, City, U.C. |
| Macdonald, John Sandfield..... | Glengarry, U.C. |
| MacNab, Allan Napier..... | Hamilton, City, U.C. |
| Malloch, Edward..... | Carleton, U.C. |
| Marquis, Pierre Canac dit ⁷ | Kamouraska, L.C. |
| McConnell, John..... | Stanstead, L.C. |
| McFarland, Duncan..... | Welland, U.C. |
| McLean, Alexander..... | Stormont, U.C. |
| Merritt, William Hamilton..... | Lincoln, U.C. |
| Meyers, Adam Henry..... | Northumberland, U.C. |
| Mongenais, Jean Baptiste..... | Vaudreuil, L.C. |
| Morin, Augustin Norbert..... | Bellechasse, L.C. |
| Morrison, Joseph Curran..... | York, West Riding, U.C. |
| Nelson, Wolfred..... | Richelieu, L.C. |
| Notman, William..... | Middlesex, U.C. |
| Papineau, Louis Joseph..... | St. Maurice, L.C. |
| Price, James Hervey..... | York, South Riding, U.C. |
| Prince, John..... | Essex, U.C. |
| Richards, William Buell..... | Leeds, U.C. |
| Robinson, William Benjamin..... | Simcoe, U.C. |
| Sauvageau, Tancrède..... | Huntingdon, L.C. |
| Scott, John..... | Bytown, U.C. |
| Scott, William Henry..... | Two Mountains, L.C. |
| Seymour, Benjamin..... | Lennox and Addington, U.C. |
| Sherwood, George..... | Brockville, U.C. |
| Sherwood, Henry..... | Toronto, City, U.C. |
| Smith, Harmanus..... | Wentworth, U.C. |
| Smith, Henry..... | Frontenac, U.C. |
| Smith, James..... | Durham, U.C. |
| Stevenson, David Barker..... | Prince Edward, U.C. |
| Taché, Joseph Charles..... | Rimouski, L.C. |
| Thompson, David..... | Haldimand, U.C. |
| Watts, Robert Nugent..... | Drummond, L.C. |
| Webster, James..... | Waterloo, U.C. |
| Wetenhall, John..... | Halton, U.C. |
| Wilson, John..... | London, Town, U.C. |

-
1. No member was returned for Three Rivers in the General Elections.
 2. Cameron was declared elected for Kent, 2 March 1848.
 3. Carroll's election was declared null and void, 1 March 1848 and Hincks was declared elected for Oxford.
 4. DeWitt was declared duly elected for Beauharnois, 1 March 1848.

5. According to the JOURNALS and several other primary sources, Michel Fourquin dit Leveillé used Fourquin as his surname.
6. LaFontaine sat for Montreal City.
7. According to the JOURNALS and several other primary sources, Pierre Canac dit Marquis used Marquis as his surname.

FRIDAY, 25 FEBRUARY 1848.

(1)

Parliament
meets.

ON which day, being the first day of the meeting of this Parliament, for the Dispatch of Business,-- pursuant to a Proclamation (hereunto annexed) of His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the most ancient and most noble Order of the Thistle, Governor General,--George Barthelemi Faribault, John Fennings Taylor, the elder, Guslavus William Wicksteed, and William Poyntz Patrick, Esquires, Commissioners appointed by Dedimus Potestatem, for administering the oath to the Members of the Legislative Council and Legislative Assembly, same at the hour of two o'clock in the afternoon, into the Room allotted for the sittings of the Assembly, and William Burns Lindsay, Esquire, Clerk of the Legislative Assembly, attending according to his duty; and Felix Fortier, Esquire, Clerk of the Crown in Chancery, having delivered to the said Mr. Lindsay a Roll containing a List of the names of such Members as had been returned to serve in this Provincial Parliament, (copy whereof is hereunto annexed,) the Commissioners did administer the oath to the Members who appeared, which being done, and the Members having subscribed the Roll containing the oath, they took their seats in the Assembly.

Message to
attend His
Excellency.

A Message was brought by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:
Gentlemen,

His Excellency the Governor General desires the immediate attendance of the Members of this Honorable House in the Legislative Council Chamber.

Accordingly the Members went to attend His Excellency in the Legislative Council Chamber, where being; the Honorable Speaker of the Legislative Council said:--

Speech of the
Speaker of the
Legislative
Council.

Honorable Gentleman, and
Gentlemen of the Legislative Assembly,
His Excellency the Governor General does not see fit to declare the causes of his summoning the present Provincial Parliament, until a Speaker of the

Legislative Assembly shall have been chosen according to law; but on Monday next, at the hour of three o'clock in the afternoon, His Excellency will declare the causes of his calling this Parliament.

And the Members being returned;¹

MR. INSP. GEN. CAYLEY, in rising to propose that Sir Allan Napier McNab do take the Chair, said that he would not detain the House by descanting (sic) on the qualifications which the Speaker of that honourable House ought to possess or pass any encomium² or any eulogy³ on the merits of the individual whom he had the power to propose, although were he so disposed, the House was well aware that there was ample room for the strongest panegyric on the conduct and character of the honourable Member. Fortunately for his purpose, he saw before him a large majority of those who were Mem-

bers of the last Parliament and who, consequently, were well qualified to pronounce upon the great extent of Parliamentary information, the urbanity, dignity, and impartiality, which the late Speaker had displayed.⁴ There was nothing contrary to British Parliamentary practice in re-electing the last Speaker, when he had filled the office in a manner agreeable to all parties⁵. It would be an additional gratification to the House to feel, that while they selected an individual so in every way qualified to discharge the high and important functions of the office,⁶ they would also be⁷ strictly following⁸, as it was desirable to do, the practice of the British House of Commons⁹. The selection of a Speaker was not usually made the occasion of party strife; on the contrary, it was not unfrequently chosen as a fitting time to shew that the House considered that these were higher objects of attainment than party triumph, such, for instance, as affected the dignity and standing of their body, and gave character and efficiency to the proceedings of a deliberative Assembly¹⁰. Après tous les témoignages d'approbation que les deux côtés de la chambre avaient donnés à l'orateur pendant les trois sessions du dernier parlement, il ne pouvait croire que cette proposition fût votée autrement que par acclamation¹¹. It was a matter of great satisfaction to him (Mr. Cayley), as no doubt it would be to the House, to know that a leading Member of the Opposition, the honourable Member of the 4th Riding of York had, no further back than the last Session, expressed the strongest feelings of attachment and friendship for the late Speaker--a pledge which, no doubt he would seize this opportunity to redeem, and mark his regard by the manner in which he recorded the vote he would shortly be called upon to give.¹²

(1)

Sir Allan
MacNab pro-
posed as
Speaker.

The Honorable Mr. Cayley, Member representing the County of Huron, stood up, and addressing himself to the Clerk, (who, standing up, pointed to him and then sat down,) proposed to the House for their Speaker, the Honorable Sir Allan Napier MacNab,

in which motion he was seconded by John Prince, Esquire, Member representing the County of Essex.

COL. PRINCE felt great pleasure in seconding the nomination of his honorable and gallant friend, Sir Allan Napier MacNab. His motives for so doing were not political, but arose from a sense of gratitude--(hear, hear.)¹³ He quite approved of what had fallen from the hon. member, when he said that it was perfectly consistent with British practice¹⁴ not to allow political feeling to bias honorable members in the election of a Speaker to preside over that Assembly¹⁵ ((but)) to place in the Chair of the House the last Speaker, provided he gave satisfaction. (hear, hear.) He (Mr. Prince) was not aware of any opposition that was intended upon this occasion. He had received no intimation of any honorable member whom it was intended to attempt to place in the Chair in preference to the hon. and gallant Knight who had presided over the deliberations of this House; and this, coupled with other reasons, fortified him in his belief that it would be becoming in the House to elect Sir Allan MacNab as their Speaker. He thought that they must all feel that he had discharged his duties carefully, industriously, uprightly, and, above all, conscientiously and im-

partially. (Hear, hear.) He thought that the voice would be lifted up to deny this, that no one member of the late Parliament would rise in his place (and of course no member who was not in the late Parliament could do so) and say that there was partiality or incompetency (sic)¹⁶, ((or)) ignorance, or anything in the conduct of Sir Allan McNab¹⁷ during the last Parliament which would justify them for rejecting him. (Hear, hear.) He doubted not that hon. members on both sides of the House were perfectly acquainted with precedents in this case, and that there could be no hesitation in according to his proposition that party ought not to be made the test of elevation to the Speakership.¹⁸ Were party to be considered in this case, he should be able to show that such consideration would be adverse to British practice.¹⁹ In early days it was so. But it had not been so of late years in the British Parliament. For many years politics has been placed entirely out of the question. In 1817 Sir Manners Sutton²⁰ ((whom)) all knew ((to be))²¹ a high Tory²²--a term now obsolete--²³ was elected unanimously under Lord Liverpool's Administration, the Tory administration, to the distinguished honour of presiding over the House of Commons; he was afterwards re-elected unanimously by Lord Grey's²⁴ Whig²⁵ Administration, and nothing could be more opposed than were the politics of Lord Grey and Liverpool. Mr. Pitt sharing the great contest between him and Mr. Fox, when he was proposed, and undoubtedly had a large majority, gave way to Mr. Cornwall, who was elected by the Whigs; and let them look to a later period and examine the position of the present Speaker of the House of Commons; under what circumstances was he elected? The Rt. Hon. Shaw Lefevre,²⁶ a Whig by education, and descended from a long line of Whig ancestors, was elected to the Speakership of the British House of Commons, under the Whig Administration of Lord Melbourne,²⁷ and the case of Mr. Shaw Lefevre was precisely similar to that which was now before them. In 1841 Mr. Shaw Lefevre was Speaker of the House of Commons, a dissolution of Parliament occurred; the Melbourne Administration under which he was elected was then in power, a large majority of Conservatives were in the new Parliament. Lord Melbourne's Administration proposed Mr. Lefevre for their Speaker, as the gallant Knight has been proposed to-day.²⁸ It was well known that the existing Administration was in the minority; but what did Sir Robert Peel do? He acted as this House ought to act. Lord Melbourne was certain to resign, but Sir Robert Peel²⁹ and the Conservative party³⁰ had the manhood, the sense, and the generosity, although, widely differing in politics, to support the re-election of Mr. Shaw Lefevre, as the man best qualified to preside ably, impartially, and consistently, over the deliberations of the great Council of the nation³¹, and Mr. Lefevre was unanimously elected. They had elected him not because he was opposed to them in politics, but because in presiding over them for years he had done, what the gallant Knight had done, presided over them ably, impartially, and conscientiously. (Hear, hear.)³² Col. Prince then read some extracts from Sir Robert Peel's speech on that occasion, expressive of high encomium on Mr. Shaw Lefevre--and³³ he asked if any member could lay his hand on his heart and say³⁴ that these encomiums are not applicable³⁵ to the present case, and if, as he thought, the answer should be yes; he could anticipate no possible grounds of objection to the election

of the hon. and gallant knight.³⁶ Mr. Prince went on to say, that in earlier days when first he had the honour of a seat in the House, he had had an impression that it was absolutely necessary that the Speaker should be master of the French language.³⁷

Hear, hear from the Opposition.³⁸

COL. PRINCE thought still that it was very desirable, (hear, hear;) but he was by no means disposed to think that it was indispensably necessary.³⁹ Il fit remarquer que ce qui l'avait le plus surpris dans la manière admirable avec laquelle Sir Allan avait présidé aux délibérations de la chambre, c'était surtout le peu d'inconvénients que l'on avait ressentis de son ignorance de la langue française.⁴⁰ IL exprima sa conviction que l'orateur n'avait pas besoin de comprendre le français puisqu'il y avait des traducteurs.⁴¹ He put it to the House whether the late Speaker did not conduct their debates with as great ability and certainly with as great honesty, and impartiality as could be desired. (Hear, hear.) Upon these grounds, upon the grounds of gratitude and competency, known impartiality, and strict integrity, and ability. He seconded, with much pleasure, the nomination of Mr. Cayley. (Hear, hear.)⁴²

(1)

Mr. Augustin
Norbert Morin
proposed as
Speaker.

Then the Honorable Robert Baldwin, Member representing the North Riding of York, stood up, and addressing himself in like manner to the Clerk, proposed to the House for their Speaker, the Honorable Augustin Norbert Morin, in which motion he was seconded by the Honorable Louis Hypolite LaFontaine, Member representing the City of Montreal, and also the County of Terrebonne.
Debates arose.

MR. BALDWIN.⁴³--If I was at liberty on the present occasion to act entirely with a view to any personal feelings, I might perhaps desire to vote for the hon. member whose name has been proposed as Speaker of this House. I have had, as the hon. member who made the motion has said, the satisfaction of being on terms of friendship, I might call it, at all events of personal acquaintance of a most agreeable kind, with the hon. member whose name has been proposed, from my early youth. My personal feelings are therefore in favor of him; but in the discharge of my duty to my country, I have disregarded personal considerations, and looked only to what I deemed the interests of my country. With respect to the manner in which the hon. gentleman, the member for Hamilton, conducted himself in the chair, in the last Parliament, I have upon many occasions⁴⁴, both in public and in private,⁴⁵ been called upon to express my⁴⁶ cordial approbation⁴⁷ of that conduct, and to give my vote in sustaining the decisions which that hon. and gallant gentleman made, when, as hon. members will recollect, those who spoke more of their affection for him, thought proper to leave him in the lurch.--⁴⁸

Loud cries of "Hear, hear," from the Opposition⁴⁹.

MR. BALDWIN ((continued-)) and not only by my own vote, but by the

votes of my friends and supporters. I should not, Sir, have referred to this, had it not been for the reference made by the hon. member for Huron to those considerations of personal regard which subsist between the honorable Knight and myself. But, Sir, we are called upon here today, not to gratify personal considerations, but to place in that chair that member of the House, who, under all the circumstances in which this country and House are placed, is best calculated to sustain the honour and dignity of the House, to give universal satisfaction to members on all sides, and to promote that confidence in the decisions of this House indoors and out of doors which is the best and only means of ensuring respect for us in the world at large. With respect, therefore to the decisions of the hon. gentleman, I need say no more than I have done. I cannot be misunderstood on that subject, nor do I wish to institute any comparisons between the hon. member for Hamilton and the gentleman whose name I shall submit; but although I am not prepared to admit that political considerations should never be taken into account in the election of a Speaker, I am anxious that on the present occasion the question should not be made political... I am not prepared to bow to the references which have been made by the hon. member for Essex, nor to admit that we are on all occasions bound by those precedents, or that the circumstances of the mother country and these are so much alike as to call upon us even, as a matter of expediency, to follow them invariably. That the person who occupies that chair should have a thorough knowledge of the constitution of the country, and a desire to maintain it, all will admit--that he should have a thorough knowledge of Parliamentary practice and Parliamentary business, all will admit--that he should be acquainted with the business of the House, and be able to assist this public and private business all will admit. These are considerations which apply to all assemblies of a similar character to the one which I am now addressing; but it is not possible for hon. gentlemen to shut their eyes to the peculiar circumstances in which this assembly is placed. The hon. member for Essex, feeling that he had used the strongest terms in nominating at the last Parliament the gentleman for Speaker whom I shall presently move, felt it necessary on the present occasion to explain away the views he had then taken and to announce his having arrived at contrary conclusions. Hon. gentlemen, new members of this House, and not accustomed to the practice of debate so much as those for a long period familiar with Parliamentary proceedings, may not perhaps be fully aware of the absolute importance in the conduct of the debate on all occasions, that the gentleman who shall be placed on that chair shall have a readiness or discrimination and promptness of decision when questions of order arise. Hon. gentlemen who know what the niceties of language are ((are)) perfectly aware how much frequently depends on the turn of a sentence, even on the emphasis laid on a word, which will make it within the line or without the line of Parliamentary practice. I say, then, that it is absolutely impossible for any person who does not understand the language in which he is addressed to be capable of coming to a prompt and efficient decision when questions of that kind arise.⁵⁰ All would admit the dignity and impartiality with which the gallant Knight presided over the deliberations of that Assembly; no one could deny his experience or his knowledge of the forms of that House, and the details

of the business;⁵¹ and while I have borne testimony to the general course taken by the hon. and gallant Knight in the chair with regard to the decision of those questions of Parliamentary practice which came up,⁵² there were continual difficulties occurring when the Speaker had no knowledge of the French language. He instanced one case in which the late Speaker had to depend on the translation of a Clerk of the House to govern his decision,⁵³ and those hon. members to whom these cases applied could not feel the satisfaction they would have done, had the Speaker been acquainted with the language in which they had spoken.⁵⁴ Considering⁵⁵ that considerable changes had taken place in the constitution of that House, and a majority of the new members were French⁵⁶, who can speak no other language than the French,⁵⁷ and who would, from inexperience, require frequent instruction in the forms of the House, and would be little satisfied with decisions from the chair through the medium of an interpreter,⁵⁸ I say that the importance of that language to the person who shall fill the chair of this House is greatly increased from what it was during the last Parliament. But, Sir, it is important that every man who is called upon to discharge this duty by addressing the chair of this House, should at least feel the satisfaction of being understood by the gentlemen whom he addresses; and that if he is out of order, the declaration of it should come from the one who fully understands the terms he has used.⁵⁹ L'orateur de cette chambre est le protecteur de l'ordre et le gardien né des règlements de cette chambre. Tous les représentants du peuple ont droit d'exprimer leurs opinions dans cette enceinte dans leur langue maternelle; il en est même un grand nombre qui ne peuvent faire autrement. Quelle est alors la position d'un membre de cette chambre qui s'adresse à un homme qui ne le comprend pas, qui, au premier moment, à la demande du premier venue d'entre ses collègues, est exposé à être interrompu, censuré, réprimandé par un homme qui ne peut le comprendre, qui ne peut le juger qu'à l'aide d'un interprète? Peut-il croire qu'il a été bien compris? peut-il croire qu'il a été bien jugé?⁶⁰ I say it is the right of every member of this House to speak in his own language, and when called upon to restate himself, within certain bounds to be prescribed by the chair, to have it explained to him by the person to whose decision he is obliged to bow, and in the language he himself understands. That cannot be done if you fill the chair with a gentleman who does not speak both languages. (Hear, hear.)-- I feel in this case precisely as I should if it was proposed to place in that chair a gentleman who could speak nothing but French.⁶¹ J'en juge par moi-même, et je prie tous mes collègues d'en juger de même. Certes, j'avoue que j'éprouverais une singulière émotion si j'étais forcé de m'adresser à un président qui ne me comprit point. Pourquoi en serait-il autrement de ceux qui ne parlent que le français?⁶² Casting aside all personal feelings in the case, no person of consideration would doubt that it was necessary to put in the Speaker's chair a gentleman on whom all eyes were fixed.⁶³ With regard to the other points which it is necessary to consider in the election of a Speaker, the hon. gentleman whom I shall conclude by proposing has been for a long time in the Parliament of Lower Canada; he has occupied a situation in this House since the Union; he is acquainted with the members of both sides of the House; his dignity of deportment, his knowledge of Parliamentary

law,⁶⁴ usages and practice,⁶⁵ and his urbanity of manner--not merely to his political friends, but to all--every one who knows him will admit, I am sure. (Hear, hear.) I do not know that there is a single person within these walls whom you could select so little exposed to the slightest obnoxious feeling on the part of any individual member who has ever known him. These are considerations not to be lost sight of, particularly when coupled with those to which I have alluded. I think, then, considering the position in which we are placed, with members who understand no other language than the French, it would not be doing justice to them or their constituencies were we to place in that chair a gentleman who has not the advantage of even understanding the language in which they will address him. I therefore beg to propose that the Hon. A. N. Morin be placed in the chair of this House. (Cheers.)⁶⁶

MR. LAFONTAINE--briefly addressed the House in French.⁶⁷ ((Il rendait)) justice aux qualités et à la conduite de Sir Allan McNab.⁶⁸ En secondant ((la motion)) il croirait manquer à ses convictions, s'il ne prenait pas occasion d'exprimer son concours parfait dans ce que venait de dire l'hon. membre pour le 4ième arrondissement d'York. L'hon. membre pour Bellechasse est le mieux qualifié pour remplir les fonctions d'orateur.⁶⁹ ((He seconded the nomination)) in justice to this House and the Country.⁷⁰

(1)

Question that
Sir Allan N.
MacNab be
Speaker, nega-
tived.

And the Question being called for, "That Sir Allan Napier MacNab do take the Chair of this House as Speaker,"⁷¹

The House divided; and the names of the Members were taken down, as follows:--

YEAS.

Messieurs Attorney General Badgley, Boulton of TORONTO, Carroll, Cameron, Cayley, Crysler, Daly, Macdonald of KINGSTON, Malloch, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Attorney General Sherwood, Smith of FRONTENAC, Stevenson, and Webster.--(19.)⁷²

NAYS.

Messieurs Armstrong, Aylwin, Baldwin, Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Brooks, Barritt, Cauchon, Chabot, Chauveau, Christie, Davignon, Drummond, Duchesnay, Dumas, Egan, Flint, Fortier, Fournier,

(2)

Fourquin, Gugy, Guillet, Hall, Holmes, Jobin, Johnson, LaFontaine, Laterrière, Laurin, Lemieux, Leslie, Lyon, Macdonald of GLENGARRY, Marquis, M'Connell, M'Farland, Merritt, Morrison, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Watts, and Wetenhall.--(54.)

So it was passed in the Negative.

Mr. Augustin
Norbert Morin
chosen Speaker.

The Question being then called for, and the Clerk having put the same, "That the Honorable Augustin Norbert Morin do take the Chair of this House as Speaker;"--

Quelques-uns crièrent: "Même division;"⁷³

Les membres de la droite crièrent: "Unanimité! unanimité!"⁷⁴

(2)

it was resolved in the Affirmative, Nemine contradicente.

And the Clerk having declared the Honorable Mr. Morin duly elected, he he was conducted to the Chair by the Honorable Mr. Baldwin and the Honorable Mr. LaFontaine,⁷⁵ where, standing on the upper step, he returned his humble acknowledgments to the House for the great honor they had been pleased to confer upon him, by choosing him to be their Speaker;

MR. MORIN ... thanked the hon. members for the honor they had done him in electing him to the exalted (sic) station which it was now his duty to fill, at the same time he could have wished that many others that he saw around him, more capable than himself, had received the honor conferred on him⁷⁶, mais ... il servirait si la Chambre lui commandait.⁷⁷

(2)

and thereupon he sat down in the Chair, and then the Mace (which before lay under the table) was laid upon the table.

*Then, the Honorable Mr. Robinson, addressing himself to Mr. Speaker, moved, seconded by Mr. Smith of Frontenac, that the House do adjourn until Monday next, at half-past two o'clock in the afternoon.*⁷⁸

SIR A. MACNAB.--Sir, in rising to speak to the question of adjournment, I take the earliest opportunity of offering you my congratulations, that you occupy the proudest position in which a man can be placed in his native country; and I avail myself of this opportunity of thanking you for the generous and handsome manner in which you took upon yourself to discharge my duties, at a period never to be forgotten by me, during last session. Mr. Speaker, I have had the honour of presiding over the Legislature of Upper Canada, and of the United Province; and if, sir, the little experience I have had enables me to be of the slightest service to you in the discharge of the high and honourable, although arduous and difficult, duties you will be called upon to perform, I shall most heartily and readily give those services to you such as they are; and I must, Mr. Speaker, venture to say this much with regard to the office, that it is exceedingly gratifying to me to find that from all parts of the House no objection has been taken to me in regard to my impartiality in the discharge of the high duties which you are now called upon to undertake. (Cheers.)⁷⁹

M. MORIN exprima le désir de pouvoir remplir sa charge avec autant d'habileté et de succès que l'avait fait son prédécesseur. Il remercia Sir Allan de l'offre qu'il lui faisait de ses conseils, et dit qu'il ne manquait point de s'en prévaloir.⁸⁰

(2)

And the House accordingly adjourned until Monday next, at half-past two o'clock in the afternoon.

FOOTNOTES: 25 FEBRUARY 1848.

1. The debate on this matter was reported by: PILOT, 29 February 1848, GLOBE, 1 March 1848, BRITISH WHIG, 1 March 1848, and HAMILTON SPECTATOR, 4 March 1848, the latter three copying MONTREAL HERALD, 26 February 1848, in accounts which were identical except that the PILOT was fuller; LA MINERVE, 28 February 1848, in an account abbreviated but otherwise identical to that of the PILOT, 29 February 1848, except that LaFontaine's speech is fuller in LA MINERVE; MONTREAL TRANSCRIPT, whose account was copied by BRITISH COLONIST, 3 March 1848, and BATHURST COURIER, 3 March 1848; LE JOURNAL DE QUEBEC, 2 March 1848; LE CANADIEN, 28 February 1848; MONTREAL GAZETTE, 28 February 1848; GLOBE, 4 March 1848; and in summary in L'AVENIR, 26 February 1848. Commentaries are contained in GLOBE, 26 February 1848, and ST. CATHARINES JOURNAL, 2 March 1848, in identical accounts; LE JOURNAL DE QUEBEC, 4 March 1848; PILOT, 29 February 1848; and GLOBE, 1 March 1848.
2. MONTREAL GAZETTE, 28 February 1848.
3. PILOT, 29 February 1848.
4. MONTREAL GAZETTE, 28 February 1848.
5. BRITISH COLONIST, 3 March 1848.
6. MONTREAL GAZETTE, 28 February 1848.
7. PILOT, 29 February 1848.
8. MONTREAL GAZETTE, 28 February 1848.
9. PILOT, 29 February 1848.
10. MONTREAL GAZETTE, 28 February 1848.
11. LE CANADIEN, 28 February 1848.
12. MONTREAL GAZETTE, 28 February 1848.
13. IBID.
14. PILOT, 29 February 1848.
15. MONTREAL GAZETTE, 28 February 1848.
16. PILOT, 29 February 1848.
17. MONTREAL GAZETTE, 28 February 1848.
18. PILOT, 29 February 1848.
19. MONTREAL GAZETTE, 28 February 1848.
20. PILOT, 29 February 1848.
21. MONTREAL GAZETTE, 28 February 1848.
22. PILOT, 29 February 1848.
23. MONTREAL GAZETTE, 28 February 1848.
24. PILOT, 29 February 1848.
25. MONTREAL GAZETTE, 28 February 1848.
26. PILOT, 29 February 1848.
27. MONTREAL GAZETTE, 28 February 1848.
28. PILOT, 29 February 1848.
29. MONTREAL GAZETTE, 28 February 1848.
30. PILOT, 29 February 1848.
31. MONTREAL GAZETTE, 28 February 1848.
32. PILOT, 29 February 1848.
33. BRITISH COLONIST, 3 March 1848.
34. MONTREAL GAZETTE, 28 February 1848.
35. BRITISH COLONIST, 3 March 1848.

36. MONTREAL GAZETTE, 28 February 1848.
37. PILOT, 29 February 1848.
38. IBID.
39. IBID.
40. LE CANADIEN, 28 February 1848.
41. LE JOURNAL DE QUEBEC, 2 March 1848.
42. PILOT, 29 February 1848.
43. LE CANADIEN, 28 February 1848, reported Baldwin's speech in the first person and in quotations for reasons of style and not to indicate a verbatim account.
44. PILOT, 29 February 1848.
45. MONTREAL GAZETTE, 28 February 1848.
46. PILOT, 29 February 1848.
47. MONTREAL GAZETTE, 28 February 1848.
48. PILOT, 29 February 1848.
49. IBID.
50. IBID.
51. MONTREAL GAZETTE, 28 February 1848.
52. PILOT, 29 February 1848.
53. MONTREAL GAZETTE, 28 February 1848.
54. BRITISH COLONIST, 3 March 1848.
55. PILOT, 29 February 1848.
56. MONTREAL GAZETTE, 28 February 1848.
57. PILOT, 29 February 1848.
58. MONTREAL GAZETTE, 28 February 1848.
59. PILOT, 29 February 1848.
60. LE CANADIEN, 28 February 1848.
61. PILOT, 29 February 1848.
62. LE CANADIEN, 28 February 1848.
63. BRITISH COLONIST, 3 March 1848.
64. PILOT, 29 February 1848.
65. BRITISH COLONIST, 3 March 1848.
66. PILOT, 29 February 1848.
67. IBID.
68. LE CANADIEN, 28 February 1848.
69. LA MINERVE, 28 February 1848.
70. MONTREAL GAZETTE, 28 February 1848. According to both the PILOT, 29 February 1848, and LE CANADIEN, 28 February 1848, LaFontaine spoke briefly.
71. LE JOURNAL DE QUEBEC, 2 March 1848, observed: "La discussion ne fut pas longue."
72. LE CANADIEN, 28 February 1848, noted: "En voyant le petit nombre de ceux qui se levaient, un murmure de satisfaction très prononcé parcourut toute l'assemblée."
73. LE CANADIEN, 28 February 1848.
74. IBID.
75. According to LE CANADIEN, 2 February 1848, Morin "était dans un état visible d'émotion et presque de souffrance. Il fit le nolo episopardi d'usage et sur l'injonction répétée de la chambre il prit possession du fauteuil et remercia en peu de mots ses collègues de l'honneur

qu'ils lui faisaient." LE CANADIEN continued: "Des applaudissements partis des deux côtés de la chambre et répétés avec beaucoup plus de force par les galeries, signalèrent cet acte de justice envers un homme qui s'est constamment donné à son pays, sans espoir de retour, qui a toujours été prêt à faire le sacrifice des plus beaux avantages pour le servir et qui n'a rien reçu de trop assurément en le voyant élevé d'une manière permanente à la charge la plus honorable que l'on puisse occuper dans une colonie anglaise...."

76. BRITISH COLONIST, 3 March 1848.
77. LA MINERVE, 28 February 1848.
78. The debate on this matter was reported by: LE CANADIEN, 28 February 1848; MONTREAL TRANSCRIPT, whose account was copied by BRITISH COLONIST, 3 March 1848, and BATHURST COURIER, 3 March 1848; PILOT, 29 February 1848, and GLOBE, 1 March 1848, in identical accounts except that Morin's speech is fuller in the GLOBE; PILOT, 29 February 1848, and LA MINERVE, 28 February 1848, in identical accounts, except that MacNab's speech is fuller in the PILOT, and Morin's speech is fuller in LA MINERVE; MONTREAL GAZETTE, 28 February 1848; GLOBE, 4 March 1848; and L'AVENIR, 26 February 1848.
79. PILOT, 29 February 1848. LE CANADIEN, 28 February 1848, commented: "Sir Allan déploya dans cette petite allocution toute la grâce et la dignité qui lui sont habituelles." The GLOBE, 4 March 1848, described it as "a very manly little speech".
80. LE CANADIEN, 28 February 1848.

MONDAY, 28 FEBRUARY 1848.

(2)

Message to
attend His
Excellency.

A MESSAGE was brought by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:--
Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Legislative Council Chamber.

Mr. Speaker's
Speech.

And there Mr. Speaker spoke to the following effect, viz.:--¹

May it please Your Excellency,

The Legislative Assembly have elected me as their Speaker, though I am very little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Assembly, whose servant I am, and who, through me, humbly claim, to enable them the better to discharge their duty to Her Majesty and their Country, all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favorable interpretation.

Speech of the
Speaker of the
Legislative
Council.

Then the Honorable Speaker of the Legislative Council said:--

Mr. Speaker,

I am commanded by His Excellency the Governor General, to declare to you that he freely confides in the duty and attachment of the Assembly to Her Majesty's Person and Government, and not doubting that their proceedings will be conducted with wisdom, temper, and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges.

I am commanded also to assure you that the Assembly shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favorable construction.

Mr. Speaker
reports having
attended His
Excellency.

The House being returned;

Mr. Speaker reported, That the House had been in the Legislative Council Chamber, and that he had informed His Excellency that the choice of

Speaker had fallen upon him, and also that he had, in their name and on their behalf, by humble Petition to His Excellency, laid claim to all their rights and privileges; that they may enjoy freedom of speech in their debates, and have access to His Excellency's person as occasion shall require, and that all their proceedings may receive from His Excellency the most favorable construction; to which His Excellency had been pleased to say that he readily and willingly granted and

allowed them their constitutional privileges, as well as ready access to His Excellency on all sesonable occasions, and that their proceedings, as well as their words and actions, will constantly receive from him the most favorable construction.

Bill relative to
oaths of office.

Ordered, That the Honorable Mr. Attorney General Sherwood have leave to bring in a Bill for indemnifying Public Officers who may not have

taken the oaths of office within the time prescribed by law.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time to-morrow.

Mr. Speaker
reports His
Excellency's
Speech.

Mr. Speaker then reported, That when the House did attend His Excellency the Governor General, this day, in the Legislative Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Provincial Parliament, of which Mr. Speaker said he had, to prevent mistakes, obtained a Copy, which he read to the House, as followeth:--

Honorable Gentleman of the Legislative Council,
Gentlemen of the Legislative Assembly,

I have called you together at the earliest period after the dissolution of the last Parliament, in order that I may avail myself of your advice and assistance in the administration of the affairs of the Province.

During the recess I made an extensive tour through the Province; and I have much satisfaction in informing you that I met with the most gratifying indications of general prosperity and contentment in all the Districts which I visited.

With the view of maturing a plan for placing the Post Office in British North America on an improved footing, Commissioners from the several Provinces assembled lately at my suggestion in Montreal. I trust that it will be in my power before the close of the Session, to bring under your consideration a measure for effecting this important object.

The information which I have received enables me to state that a good and practicable line of Railway between Quebec and Halifax has been discovered by the Officers to whom this exploration was confided.

The distress and suffering by which last year's Immigration to the Province was attended, have occasioned me the deepest concern. Her Majesty's Government have bestowed on the subject the most anxious consideration, with a view to the introduction of such provisions into the Imperial Passengers' Act, as may afford a security against the recurrence of these disasters. It will be for you to determine whether it may not be advis-

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able to pass some Provincial enactment which shall have the effect of discouraging the introduction of diseased and helpless persons into the Province, without however checking the tide of healthy Immigration, which so powerfully contributes to its advancement.

The numerous projects for the construction of Railways introduced into the Legislature in each succeeding Session, render it expedient, with a view to uniformity of Legislation, and the protection of public and private interests, that an enactment should be passed embodying the provisions generally applicable to such undertakings. I commend this subject to your consideration.

On these and other important matters I shall lay before you communications which have been addressed to me by Her Majesty's Secretary of State for the Colonies.

The constitution of the University of King's College--a more equitable mode of assessment in Western Canada--and the improvement of the system of Judicature in both sections of the Province--are among the subjects which will probably engage your attention.

Gentlemen of the Legislative Assembly,

I shall direct the Public Accounts, with the Estimated for the present year, to be submitted to you.

I feel confident that you will readily grant the Supplies which are necessary for the public service.

Honorable Gentlemen, and Gentlemen,

You may rely on my disposition to co-operate with you in all measures calculated to promote the public welfare.

Canada possesses in singular abundance the elements of prosperity and social happiness--great natural capabilities--an enterprising, intelligent, and rapidly increasing population,--institutions fitted to reconcile liberty with order--and the blessing of peace secured to her under Providence by the patriotism of her sons and her connexion with a State which is both just and powerful. The duty of turning those advantages to account, in so far as this object can be properly effected by Legislation, devolves upon Parliament. God grant that we may acquit ourselves of the responsibility with fidelity and success.

On motion of Mr. Smith of Frontenac, seconded by Mr. M'Connell,

Postage on
Letters to and
from Members.

Ordered, That the Clerk do charge to the Contingencies of the House, the Postage on all Letters not exceeding one ounce in weight, and on printed papers, to and from Members of this House during the present Session; provided that when Petitions to this House are enclosed, the postage thereon shall be charged without restriction as to weight.

On motion of the Honorable Mr. Cayley, seconded by the Honorable Mr. Daly.

Speech to be
considered.

Ordered, That the Speech of His Excellency the Governor General, this day delivered to both Houses of the Provincial Legislature, be taken into consideration on Thursday next.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Prince,--The Petition of William Caldwell and others, of Amherstburgh, and other parts of the Western District.

By Mr. Chauveau,--The Petition of Joseph Metsalabolet and others, Abenakis and Malécites of the Indian Village of Bécancour; the Petition of the Reverend Joseph Maurault, Missionary, and of the Chiefs and Warriors of the Abenakis Village of St. François du Lac St. Pierre; the Petition of the Reverend George L. Lemoine and others, of the Parish of Beauport, and part adjacent; and the Petition of Laurent Tremblay and others, Pilots for and below the Harbour of Quebec.

By Mr. Fournier,--The Petition of William Patton and others, of St. Thomas, and the adjoining Parishes.

By Mr. Holmes,--The Petition of the President and Directors of the New City Gas Company of Montreal; and the Petition of the Mayor, Alderman, and Citizens of the City of Montreal.

By the Honorable Mr. Aylwin,--The Petition of George O. Stuart, Esquire, and others, Directors of the Quebec Protestant Cemetery Association; the Petition of Mrs. Eliza Taylor, on behalf of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum of Quebec; the Petition of William Black and others, of the Parish of St. Roch, in the City of Quebec; the Petition of James Motz, of the City of Quebec, Esquire, Advocate; the Petition of A. Gaudry and others, Proprietors and Masters of Ships, of the Ports of Quebec and Montreal; the Petition of Antoine Polette, of the Town of Three Rivers, Esquire; the Petition of Lady Sophy Caldwell, and other Ladies, the Managers of the Male Orphan Asylum of Quebec in connexion with the Church of England; the Petition of Lady E. Stuart and other Ladies, the Committee of the Quebec Infant School; and the Petition of Joseph Donegani, of the City of Montreal, merchant.

MR. AYLWIN² then rose and said he was desirous of bringing before the House a fact that was worthy of their early attention³, a fact which was sufficiently notorious to every member of the House who had paid any attention to events which had recently occurred out of doors, and particularly connected with the late general election. It was notorious that the County of Beauharnois, one of the largest and most important Counties in the Province, was not represented in the present Parliament (hear, hear.) The House was already in possession of this fact, by the return or schedule which had been filed on the first day of the session by the Clerk of the Crown in Chancery. It was absolutely necessary that the House should inquire into the causes which had prevented this County from being represented; and if they should turn out to be the causes which were generally stated out of doors to be, then it would be absolutely necessary for the House to take such proceedings as should prevent the recurrence of conduct similar to that which had produced the result to which he alluded, and so relieve the Province from an imputation highly discreditable to it--that the elections in this Province could not only be conducted in peace and quietness, but that even violence and all kinds of fraud and deception could be⁴ openly and unblushingly perpetuated without any attempt being made to prevent it⁵, (hear, hear.) He was desirous

on this occasion of pursuing a course which had already met with the sanction of the House. The hon. member for Hamilton would recollect that in 1841 a case similar to this had been brought under the notice of the House by him, and on this occasion he (Mr. Aylwin) intended to follow the course adopted by the hon. gentleman on that occasion, in which course he should be justified by the high character and standing of the hon. gentleman.-- He begged to move⁶ that Felix Fortier, Esq., Clerk of the Crown in Chancery--should be immediately called upon to appear before the House, with the record of the returns of the election in the County of Beauharnois, together with the poll books,&c.&c.⁷

MR. PRICE seconded the motion.⁸

SIR A. MACNAB inquired if the hon. member intended to present a petition that the facts of the election might be inquired into.⁹

MR. AYLWIN said, he intended to present no petition.¹⁰

SIR A. MACNAB could not, of course, express any opinion on the subject, as he had not seen the return and knew nothing about it; but¹¹ in this case there was no petition, and, therefore, the hon. Member was not exactly following the example set by him in 1841, that is, if the hon. Member referred to the County of Kent¹². Then there was a petition before the House, and he had merely moved that it be taken into consideration.¹³ Nor was it following any example set by him to bring forward the motion in so precipitate a manner. Had the hon. Member given notice for the next day, it would have given time for Members¹⁴ to examine more into this matter¹⁵ and to be prepared on the subject, for, at present, they knew nothing of the matter, excepting from newspapers, which was no knowledge at all. They were sitting here as judges, and time would be more satisfactory in enabling them to come to a just decision.¹⁶ This was one of those questions of privilege which could not be taken up without notice.¹⁷

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Kent, Beau-
harnois, and
Three Rivers
Elections.

The House taking notice that the respective Returning Officers for the Counties of Kent and Beauharnois, and Town of Three Rivers, had not returned any Member to serve in this Parliament for the said Counties and Town;

Ordered, That the Clerk of the Crown in Chancery do forthwith attend this House with the last Returns and Poll Books for the said Counties and Town.

And he attended accordingly with the said Returns and Poll Books, and laid the same before the House.

MR. AYLWIN replied to Sir A. McNab.¹⁸ The books being now in possession of the House, he would be extremely sorry to press any motion against the sense of the House¹⁹, ((and he)) would be exceedingly unwilling that any precipitation, or any semblance of precipitation, should appear in the conduct of this matter: he was anxious that every man, in giving a vote upon this question, should give it in the full knowledge of all the cir-

cumstances of the case, and that the House and country should understand that this was one of those cases²⁰ to be carefully investigated that, hereafter ((it)) might be safely cited as a precedent.²¹ He would say, however, that if there was any occasion when the House ought to proceed with celerity, this was the occasion²² imperatively²³ to take every means in its power to complete the representation²⁴. The House did not consist of 81 or 82 members, but of 84;²⁵ ((it)) did not represent eighty-one or eighty-two constituencies--it represented the whole Province, and included in that Province unquestionably was the County of Beauharnois²⁶ and he looked in vain round the House for the Member for that County. He thought hon. gentlemen should have been prepared upon the subject²⁷. He would state that reference to the public newspapers--reference to the facts gathered outside the House--was not contrary to Parliamentary practice²⁸. ((He)) had little respect for the affectation of being ignorant of the existence of newspapers²⁹. He took it for granted that they need not affect there (sic) ignorance of that which was known by all their constituents. He conceived that those who were ignorant of the facts would have sufficient time between then and to-morrow to examine the poll-books, which have been laid on the table of the House.³⁰ It was the duty of all to examine the books before them, so that they might judge whether or not a great fraud should be allowed to be perpetrated in Canada, which he believed was unprecedented elsewhere; and if they did not do so their constituents would have good reason to call them to account.³¹ ((He)) thought it was no time for delay when lawlessness and gross fraud triumphed over Right, and a state of things existed which would be tolerated in no other country.³² After some further remarks on the case in question,³³ he would...move...that the said returns and poll-books be referred to a Committee of the whole House³⁴ to-morrow.³⁵ In this he was following the precedent given to him by the hon. member for Hamilton. It was true that there was no petition in this case, and that there was one in 1841; but in the year 1843, on the occasion of the return for the County of Hastings, and on the still more memorable occasion when the title of the hon. member for Hamilton to his seat and to the chair of the House was questioned, upon both of these cases the matter came up without any petition at all; and it was reasonable to suppose that a matter like this ought to be taken up irrespective of any petition or application. That question was not whether one man or another had a right to a seat in that House,³⁶ it was a matter, not of one or two constituencies,³⁷ but to complete the representation as soon as possible, and not to allow one of the members of this House to be cut off from it, particularly in the ruffianly³⁸, abominable,³⁹ and brutal way in which⁴⁰ the member for the county of Beauharnois had been kept out.⁴¹

MR. BALDWIN--would suggest to his hon. and learned friend whether it would not be better to proceed in this matter in the House itself and not by a committee, as what passed in committee not appearing in the Journals of the House, they did not know the whole history of the case.⁴² ((Il)) suggéra à M. Aylwin de changer sa motion⁴³. ((He)) thought it would be more in accordance with English practice and would secure its registry on the journals of the House, if the question were brought up in the

House and not in Committee.⁴⁴ In regard to the question put by the hon. and gallant Knight, they could find abundant cases in which the House took note that a seat was vacant, and proceeded to the question why it was vacant. As the County of Beauharnois was vacant--and this they could not question, as attention had been called to it by the hon. member--the House was bound to take some steps with a view to inquire why it was vacant. What steps were to be taken, when they found that it was vacant, was another question; but no one could doubt the authority of the House to take up the subject.⁴⁵

MR. AT. GEN. SHERWOOD--said he was just upon the point of suggesting the same method of procedure, when he was forestalled by the hon. member who spoke last.⁴⁶ ((He)) suggested that it would be infinitely better to take up this question in the House than in committee; they ought to have upon their Journals the whole circumstances attending peculiar cases, that they might have them for precedents hereafter,⁴⁷ which would not be the case if they were proceeded with in committee.⁴⁸ He thought that the hon. gentleman was right in taking this up at the earliest possible moment, but he thought that the House ought to be informed before hand in cases of this sort, in order that they might be prepared properly to discuss the subject when it came up.⁴⁹

COL. PRINCE--If I understand the matter there is no return.⁵⁰

MR. BALDWIN--said that he had been given to understand that it was a special return.⁵¹

COL. PRINCE--then I move that the Clerk read the return as I know nothing about it.⁵²

The Clerk of the Crown in Chancery then read the records of the return of the county of Beauharnois election.⁵³

COL. PRINCE⁵⁴--said that it would appear from the return that two of the poll-books were lost, or stolen, but that⁵⁵ d'après les autres livres de poll⁵⁶ one individual had a majority of votes, and it was actually the duty of the Returning Officer to have returned him.⁵⁷ He thought it a great pity that an individual having so large a majority as it appeared Mr. DeWitt possessed, had not been declared duly elected by the Returning Officer, leaving the question of the destruction of the poll-books to be decided by the House.⁵⁸ The difficulty he now faced was how the House would entertain the question of the lost poll-books without having it investigated by a committee of the House. The committee ought to summon the poll clerks before them, and let them prove upon oath who had the majority of votes on the lost books. True, this might be done by summoning them to the bar of the House; but that was a roundabout course, and would occupy more time than it ought to occupy.⁵⁹ The Returning Officer must have been very ignorant of his duty, and not even a good special pleader, or he could not have acted as he had done.⁶⁰ OR the Returning Officer, he continued, was rather injudicious, although, no doubt, he was a good special pleader, for the record was very like a bill of indictment, and

altogether showing a degree of ignorance which a Returning Officer should not possess. It was through ignorance that Beauharnois was without a representative.⁶¹ He (Col. Prince) thought that an investigation should take place, and whoever then was found to have had the greatest number of votes should be duly elected.⁶²

MR. CHRISTIE--asked if there was any statement of the aggregate number of votes polled now before the House⁶³.

The clerk answered in the affirmative⁶⁴.

MR. CHRISTIE--requested to have them read.⁶⁵ The clerk then read the number of votes for the several members in the different townships, which had been recorded.⁶⁶ The numbers were--

DeWitt, Sweeny, Conolly.

| | | | |
|--------------------------|-------|-------|---------|
| On existing Poll-books.. | 1514 | 1102 | 199 |
| On destroyed Poll-books | | | |
| in two Townships from | | | |
| affidavit of Clerks... | 304 | 21 | none |
| | ----- | ----- | ----- |
| | 1818 | 1123 | 199 67. |

MR. BOULTON--said the House was now proceeding as it did in the case of the Hastings election. But perhaps it would be better to proceed as the hon. member for North York had recommended.⁶⁸ He suggested that the matter be referred to a special committee, instead of a committee of the whole House.⁶⁹ The affidavits at present before the House were only hearsay evidence.⁷⁰ The only plan was to examine, at the bar of the House, the parties who had made the affidavits. He (Mr. Boulton) thought the proper way would be to examine the Returning Officer.⁷¹

Some further discussion occurred on the subject⁷².

The clerk read the recorded votes from the townships in which the poll-books had been lost⁷³.

MR. BALDWIN--did not look at this proceeding as an investigation; but as a direction to a ministerial officer to do what he was bound in his own statements to do--that was to say to return the party who seemed to have the most votes. The poll clerks did not say they had neglected or failed to perform the duty enjoined in the precept of the Returning Officer; but they said they had taken the polls, and that the books had been forcibly taken from them. This was not the case contemplated by the act--the case in which the polling was not properly concluded; but the case where the polling had been fairly completed, and the return frustrated.⁷⁴

MR. SOL. GEN. CAMERON--thought the real difficulty arose from the fact that there was in this case no return at all. It would be difficult, he believed, to find any precedent that could be followed.⁷⁵ Il veut que cette question soit discutée devant la chambre, plutôt qu'en comité, vu

que les témoins et les clerks de poll, ne peuvent être examinés que devant l'orateur au fauteuil.⁷⁶

MR. BALDWIN--said, that by the last act relating to these cases, the poll-books were directed to be returned to the clerk in chancery with the writ and return. Those books were therefore part of the record of which the House could take notice, and he thought that they should be taken as part of the return.⁷⁷

((Other honourable members spoke.))⁷⁸

MR. AYLWIN--said that he would be most willing to adopt the opinion suggested, if such was the sense of the⁷⁹ majority of this⁸⁰ House. He thought himself that there was an advantage in referring investigations of the kind in question to committees, as it allowed more favorable opportunities of discussion.⁸¹ Mr. Aylwin thought the House should resolve, upon the report of the Committee upon the whole, that the hon. Jacob DeWitt had a majority in certain Townships, for which the poll-books remained entire--and had a certain majority also in the other Townships, to be ascertained by the present return, or perhaps on examining the poll clerks. If there were a Committee of Privileges, he would be prepared to submit this matter to that Committee; or if the House to-morrow thought a better mode could be adopted, the House could take that mode then.⁸² One of the Returning Officers was now in town, and he would suggest that he should be summoned before the House to answer the charge against him. He (Mr. Aylwin) thought his plan best; but would withdraw or amend his motion, provided he obtained his object; he thought the mode of obtaining it immaterial.⁸³ As to the objection that the proceedings would have no place in the Books, this was an error and he would refer the hon. members to pages 33 and 34 of the Books of this House.⁸⁴ There were two or three precedents for his original motion, and he thought it best to adhere to it; he would, however, leave it to the sense of the House.⁸⁵ The other questions were premature, and when those questions arose, he should be able to answer them; and he therefore moved, that the Returning Officer, as he is now in town, be summoned to appear at the Bar of this House.⁸⁶

MR. SOL. GEN. CAMERON--said the hon. member for Quebec had himself mentioned a reason for discussing this matter before the House, rather than in Committee, by speaking of the poll clerks being brought up to the bar. Now he must know that witnesses could only be examined when the Speaker was in the Chair, and therefore, it was evident that they must come before the House in Session.⁸⁷

SIR A. MACNAB--thought it more consonant with parliamentary usage for business of this kind to go on with the Speaker in the chair, and then, if necessary, be referred to a special committee, or a committee of the whole House.⁸⁸ He wished the hon. Member for Quebec to read his resolutions.⁸⁹

MR. AYLWIN--said he proposed first to call up the poll clerks, and examine them; and then move a set of resolutions affirming that Mr. DeWitt was duly elected.⁹⁰

COL. PRINCE--thought there was no doubt that the Returning Officer had wronged the gentleman who was the popular candidate.⁹¹ ((He)) thought the simplest and most proper course⁹² was only first to establish the facts by examining⁹³ the Returning Officer⁹⁴ and ascertain((ing)) the majority of the returns from the Poll Books⁹⁵, and then to resolve that the Clerk of the Crown in Chancery be permitted to amend the return.⁹⁶ The candidate proved to have had the largest number of votes should be declared duly elected, and should then take his seat in the House.⁹⁷

MR. AYLWIN--withdrew his motion ((concerning the Returning Officer))⁹⁸.

The debate closed on the understanding that the matter should be referred to a Committee of the whole House on the following day.⁹⁹

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On motion of the Honorable Mr. Aylwin, seconded by Mr. Price, Ordered, That the Return and Poll Books for the last Election for the County of Beauharnois, be committed to a Committee of the whole House, for to-morrow.

MR. DRUMMOND¹⁰⁰--begged to bring the attention of this House to a fact similar to one that had occupied the House for the last hour, and that was the election for Three Rivers, and as the Borough of Three Rivers was unrepresented in the House, it was their duty to ask why it was so.¹⁰¹ In moving "that the Clerk of the Crown in Chancery do forthwith lay before the House the return for the Town of Three Rivers," ((he)) said, that it was unnecessary to enter into any discussion on the question whether this inquiry might be entered upon or not immediately, they might very properly come to a conclusion that in matters affecting their privileges or the organization of the House, they might inquire forthwith. (Hear.)¹⁰²

MR. CHAUVEAU--seconded the motion.¹⁰³

The Clerk then read the special return from Three Rivers¹⁰⁴.

MR. DRUMMOND--said, that in this case the returns alone would not suffice; it was necessary to have the¹⁰⁵ poll-books brought before the House, as the inspection of these books would suffice to convince the House that it had but one duty to perform, and that was to declare Mr. Dumoulin the member elected. (Hear.)¹⁰⁶ He could prove beyond a doubt, that Mr. Dumoulin should have been returned for that place; and entered into the particulars of the case¹⁰⁷. It appeared from the special return just read that at half-past one o'clock¹⁰⁸ on the second day of polling,¹⁰⁹ when Mr. Dumoulin was in a majority ... Mr. Polette, the only other candidate, had protested against the election, not on the ground of violence, but because votes had been received which he contended were not legal¹¹⁰. At half-past 4 o'clock, however, Mr. Polette retired, gave up the contest, and then the Returning Officer¹¹¹ closed the Book, and putting it under his arm, said,¹¹² "I shall leave the place and there shall be no election;"¹¹³ and this closed the election.¹¹⁴ Probably after he got home,¹¹⁵ he sat down and¹¹⁶ took it into his head to state that¹¹⁷ in consequence of Mr. Dumoulin's friends¹¹⁸—

How was he to know who were Mr. Dumoulin's friends? (hear, hear.)¹¹⁹

MR. DRUMMOND:--having obstructed the passage to the poll, he was compelled to discontinue the election, and had therefore withdrawn at half-past four, when there were no votes to be received! and no candidate to oppose Mr. Dumoulin! (Hear, hear.)¹²⁰ How he knew the friends of Mr. Dumoulin from those of Mr. Polette, he (Mr. D.) did not know.¹²¹ Mr. Drummond trusted the House would act with promptitude and unanimity in these election matters.¹²² It was high time that a stop was put to these things, the country was at this time in the hands of the Returning Officer¹²³

Yes, yes, from Mr. Chabot.¹²⁴

MR. DRUMMOND ((continued:)) and if Returning Officers were allowed to do as Mr. Dixon, the Returning Officer for Three Rivers had done in this case, there would be an end to all freedom of election. (Hear, hear.) It was clear that he had but one duty to perform; the law required that the Returning Officer should declare duly elected and return the person having the majority of votes. It appeared from the poll books that Mr. Dumoulin had the majority of votes, but instead of returning him, the Returning Officer had made a special return, in which he stated that there was a manifestation of violence, in consequence of which he had thought proper to make no return.¹²⁵ He then moved, seconded by Mr. Chauveau, that the Clerk of the Crown in Chancery should produce before the House, the poll book in which the votes were recorded. He would abstain from making any further remarks until to-morrow¹²⁶ as he wanted hon. Members to see the returns.¹²⁷

The question was then put and carried without opposition.¹²⁸

MR. NOTMAN--¹²⁹ brought before the notice of the House the extraordinary return which had been made of a Member to represent the County of Oxford, who had received a much smaller number of votes than another Candidate.¹³⁰ In so doing he ((Mr. Notman)) felt great pleasure in hearing from all the members of the House a great desire to preserve the purity of the House. Two cases in which the House had already expressed some opinion were cases in which seats were vacant; in the case of Oxford the seat was improperly filled. He thought that it was the duty of the House to proceed to no business until every portion of the country was fairly represented in it; to inquire first into the right by which persons sat in the House, who had obtruded themselves into it contrary to law and right. (Hear, hear.) It was highly important that they should take up cases of this description before they bestowed a moment's consideration upon seats that were vacant. (Hear, hear.) It was highly important that their fellow-subjects who were misrepresented, who had their opinions misrepresented, who had an individual sitting in that House, and voting in a way they never authorized him to vote (hear, hear;) should be righted. And in the case of the Oxford election, he thought if the House had any sense of justice, or desire to maintain purity of election, it would come to the conclusion that the gentleman who at this moment held the seat for Oxford had no¹³¹ shadow of a¹³² right to sit there. (Loud cries of

hear, hear.)¹³³ In order to prevent hon. members from being taken unprepared, he should proceed to point out the coursd (sic) he proposed to pursue;¹³⁴ with these few preliminary remarks ... that the Clerk of the Crown in Chancery be directed to produce forthwith to this honourable House, the poll books of the last Oxford Election, together with the writ of election and return, and also all papers and documents connected with the said election.¹³⁵

(3)

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Oxford Election.

Ordered, That the Clerk of the Crown in Chancery do forthwith attend this House with the last Return for the County of Oxford, together with

the Poll Books, and all other papers, letters and documents as may have been transmitted to him by the Returning Officer for the said County.

And he attended accordingly with the said Return, Poll Books, and other documents, and laid the same before the House.

MR. NOTMAN--then read to the House the series of resolutions which it was his intention to move¹³⁶ during the investigation of the matter in question.¹³⁷

1. Resolved,--That in obedience to a writ of election duly issued, and returnable to the Clerk of the Crown in Chancery on the 24th. day of January, in the present year, an election was held for the County of Oxford on the 28th. day of December, 1847.

2. Resolved,--That Francis Hincks, Esq., and Peter Carroll, Esq., were proposed and seconded, and were candidates at the said election.

3. Resolved,--That a poll was demanded and allowed by the Returning Officer according to law, and that the said poll was taken in the several townships comprised within the said County.

4. Resolved,--That by the said poll books, returned to the said Clerk of the Crown in Chancery, with the said writ of election, it appears that 813 votes were taken for the said Francis Hincks, and 478 votes for the said Peter Carroll; and that therefore, so far as the facts appear from the said poll books, the said Francis Hincks should have been returned duly elected.

5. Resolved,--That notwithstanding the said majority of votes appearing in favour of the said Francis Hincks, the Returning Officer, who held the said election, returned the said Peter Carroll duly elected; and the said Peter Carroll has taken a seat in this House in pursuance of such return.

6. Resolved,--That a due regard for the rights of electors, and for the privileges of this House, requires that the said return should be amended according to the facts apparent upon the said poll books.

7. Resolved,--That the Clerk of the Crown in Chancery do forthwith appear before the House and amend the return for the said County of Oxford, by erasing the name of Peter Carroll and inserting therein the name of the said Francis Hincks; and that the said Francis Hincks do take his seat in this House forthwith, in place of the said Peter Car-

roll, reserving to the said Peter Carroll, and to all others whom it may concern, all rights of petition and other proceeding for controverting and obtaining a final decision on the legality of the said return.

8. Resolved,--That Mr. Speaker do issue his warrant summoning John George Vansittart, Esq., the Returning Officer at the said election, to the bar of this House forthwith, to answer for this said return to the said writ of election.¹³⁸

MR. RICHARDS moved that the Clerk of the town be directed to appear and produce the Poll Books for the County of Kent.¹³⁹ He begged that this was about the last, that came under the catalogue of election cases (hear, hear;) and with regard to the circumstances of the case, he fancied they would be found to correspond somewhat more to the case of the County of Beauharnois, than to the last case, and he did not think that any evidence besides the poll books and return would be needed.¹⁴⁰ OR The learned gentleman explained that his case was very nearly similar to that of Oxford, and that he intended to proceed in the same mode as his learned friend who preceded him had pointed out.¹⁴¹ It was quite unnecessary that he should make any observations on the necessity of maintaining the purity of the House. He was happy to see that it was the intention of all sides of the House to take the matter up promptly. (Hear, hear.)¹⁴²

MR. LAFONTAINE--seconded the motion.¹⁴³

SIR A. MACNAB--thought it would be better to put off the consideration of the matter for two or three days.¹⁴⁴ This was, he believed, the fifth contested election, and many of them important cases, that was to be decided to-morrow.¹⁴⁵ It was impossible all these election petitions should be considered in one day,¹⁴⁶ and it was not to be supposed that all hon. members had made up their minds, or could make them up to give so hasty a decision.¹⁴⁷ He thought it would look rather strange that they should come there with their minds made up on these cases.¹⁴⁸ The country would say the majority was determined to push them through without regard to the rights of the parties.¹⁴⁹ The hon. member for Middlesex had declared that the hon. member for Oxford had no right to a seat in that House¹⁵⁰; ((he)) had declared the hon. member for Oxford an intruder.¹⁵¹ It was a pity such language should be used.¹⁵² His hon. friend after this, he thought, could hardly make his defence with much confidence before the honourable member for Middlesex sitting as a judge. He thought that the hon. member would have been better able to act as a judge if he had refrained from giving an opinion till he had heard all the facts¹⁵³ and seen the return.... He did not think the hon. member for Oxford could, with any confidence, make any defence before this House if hon. members, following the example of the hon. member for Middlesex, came to a conclusion before hearing the evidence. (Loud cries of hear, hear.)¹⁵⁴ He for one should like to look into cases before he made up his mind.¹⁵⁵ He hoped that he should be ready to decide these cases impartially¹⁵⁶. He should act entirely according to his conviction¹⁵⁷. He was voting with no party; he was giving no opinion; but he thought it most unjust that members on both sides of the House should be popping up and decid-

ing questions which the House had to decide to-morrow. It was not their duty to pronounce an hon. member an intruder in this House. The Returning Officer had declared him to be duly elected, and it was highly probable he knew as much about the matter as many hon. members.¹⁵⁸ He thought hon. members quite right in instituting an early inquiry into the case in question;¹⁵⁹ but he did not wish to have them decided in haste.¹⁶⁰ He wished the examinations to be postponed until after to-morrow, which would afford members more time to examine into their merits, and render ((them)) more fit to act as judges.¹⁶¹ He was sure there could be no harm done by putting off the consideration of some of these cases, for the House could not have time to go on with them all to-morrow.¹⁶² He thought it would be better to take two or three days to do it. (Hear, hear.)¹⁶³ In conclusion he advised that the petitions should be brought up in two or three days, and not on one day.¹⁶⁴

MR. AYLWIN--thought that the hon. member for Hamilton had made some observations in which every member of the House would heartily (sic) concur. (Hear.) But it must be recollected that that hon. gentleman had himself set them a precedent in this case; it must, therefore, be distinctly understood that he (Mr. A.) was not liable to the sweeping observations which the hon. gentleman had made, or if he was, he had as a guilty partner, the honourable member for Hamilton himself. (Hear, hear.)¹⁶⁵ He said he was satisfied that the course of an immediate investigation was the right one;¹⁶⁶ there were some extreme cases of injustice, in which there could be no objection to members giving their opinions in advance.¹⁶⁷ He was quite satisfied that the course that the hon. member for Hamilton had pursued in¹⁶⁸ the case of Mr. Woods, in 1841, who was returned for the same county (Kent) when the election was disputed in the same manner as present¹⁶⁹ ((and who)) was restored to his seat, was the right one; and he could not conceive why the course was complained of in 1848, upon which in 1841 no censure was cast from either side of the House.¹⁷⁰ Then all aided the hon. Member from Kent.--He was then¹⁷¹ earnestly urged and¹⁷² prepared to give the Returning Officer a lesson, and if it should turn out¹⁷³ that the same Returning Officer, Mr. George Wade Foot, had acted in both cases,¹⁷⁴ and that his conduct was reprehensible on the present occasion,¹⁷⁵ he, for one,¹⁷⁶ should not now shrink from performing his duty¹⁷⁷ ((but)) would be inclined to teach him a lesson that would prevent such conduct in future.¹⁷⁸ He should have no hesitation in accusing him of corruption, and would only regret that punishment was not meted out to him earlier.¹⁷⁹

MR. AT. GEN. SHERWOOD--contended that hon. members had a right to have time to consider these matters, to look into precedents¹⁸⁰ and authorities.¹⁸¹ He was, with many other members, unprepared at present to give an opinion¹⁸². He had heard that a certain course was to be pursued with regard to certain elections, and in order to be prepared to say something on the subject, he had gone into the library to look into some books, but he had found that the hon. gentlemen¹⁸³ on the other side of the House¹⁸⁴ who had been preparing themselves in these cases had taken away all the books, that he had wished to refer to and had not returned them;

these books should be left in the library except when they were brought down to the House on particular occasions.¹⁸⁵ He requested that they be restored immediately.¹⁸⁶ In his humble opinion the proposition of the hon. member for Middlesex was a startling case, and contrary, he believed, to the decisions contained in these books.¹⁸⁷ He trusted that a fair and reasonable time should be allowed. It was impossible for many members to be prepared to-morrow, and longer time should be given them.¹⁸⁸ For himself he wanted time to look into precedents and authorities.¹⁸⁹

MR. PRICE--thought it somewhat singular that the gentlemen on the Ministerial Benches, of all members of the House,¹⁹⁰ were not prepared on the election returns which had been brought before the House.¹⁹¹ If he understood right, the Ministers did not wish to push the discussion.¹⁹² Had they themselves not appointed all the Returning Officers whose conduct was now under discussion--were they not every man of them the political friends of the gentlemen opposite--and (strange enough) had not every one of these novel returns occurred in cases where the ministerial candidate was at the bottom of the poll!¹⁹³ (Loud cries of hear, hear.) In every single instance, the corruption of the Returning Officer had been exercised for the purpose of returning supporters of the government. (Hear, hear.) It was strange that they should not be prepared to vindicate the conduct of their officers and that they should ask to have time to look into precedents¹⁹⁴. Surely the hon. members of the Treasury Benches might ere now have gained full information from gentlemen who had so seated themselves.¹⁹⁵ They had been residing in the city ever since the time of the elections and had had an opportunity of ransacking the library down to the present moment. (Hear, hear.)¹⁹⁶ He (Mr. Price) was quite prepared to grant time to any gentleman opposite to whom the facts were new, and who had enjoyed no opportunity of investigating them¹⁹⁷, ((they)) should have an opportunity to look into these cases, and search for precedents; but¹⁹⁸ he was not disposed to do so to members of the Government who resided in Montreal, and had for weeks back access to the fullest information.¹⁹⁹ (Hear, hear.)²⁰⁰ Those ministers ought to be the last persons who should ask for time. They ought to have looked into the law by which their Returning Officers were to be maintained.²⁰¹ It was their duty to be ready to justify the acts of their Returning Officers.²⁰²

MR. AT. GEN. SHERWOOD--rose and spoke...on the remarks that had been made by gentlemen on the other side of the House.²⁰³ ((He said)) it was not his duty to be prepared to justify Returning Officers; it was not his duty to be prepared to defend any one against the rumours of newspapers²⁰⁴. ((He)) was not at all prepared to come down here to defend Returning Officers who had acted corruptly²⁰⁵ --if they had done wrong let them be punished. But he had no right to assume they had done wrong till their conduct was complained of²⁰⁶ and he had no right to assume that the misconduct complained of had taken place, unless it was established here.²⁰⁷ Nor did he ask time to defend Returning Officers, he asked time as a Member of this House to condemn them if they had violated their duty²⁰⁸. He had a strong feeling upon some of these cases; but he must know all the

facts before he could decide on them, and had he known them, and wished to look into the law upon the subject he could not have found the time²⁰⁹ day after day²¹⁰ continually to sit in the Library²¹¹ of the House,²¹² examining books; and should he do so, hon. Members opposite would soon raise the cry, that he was neglecting the affairs of Government.²¹³ And was he to be charged with unnecessarily asking for time, and to be expected to come down to that House prepared to defend every Returning Officer whom he had ever appointed? No. It was not his duty--it was not his inclination--it was not his intention.²¹⁴ He thought it was quite time for Ministers to enquire into the matter when the question had been mooted--and alluded to the passing of the Grenville Act, as giving a precedent to the correctness of the proceedings of the returning officer.²¹⁵ He should vote upon these questions in such a way as he thought it could justify to the country and to the House. (Hear, hear).²¹⁶

MR. BALDWIN--was sorry to see anything like heat excited in the discussion of these matters.²¹⁷ ((He)) believed the heat of the remarks made by the Attorney General West, were attributable to those of the hon. and gallant Knight, when speaking of what had fallen from the hon. Member for Middlesex²¹⁸. ((He)) was sorry that the hon. and gallant knight,--the member for Hamilton--with his parliamentary practice and knowledge of the proceedings of the House, should have taken occasion to condemn the hon. member for Middlesex without considering that the observations which fell from his hon. and learned friend came from a young member. He thought that he had failed to give them their proper parliamentary interpretation.²¹⁹ With that interpretation they would only mean, that supposing such and such representations were true, the sitting member must be looked on as an intruder. That was at least excusable in a young member.²²⁰ He felt that the little heat which had been raised upon this question was to be attributed to the hon. and gallant Knight. He was aware that these were exciting topics; they all felt it²²¹ but all, even the most reverend would at times forget themselves²²². (Hear, hear.) But he hoped that in disposing of discussions of this kind, the House would come to them with as little feeling as possible, and as though their duty was to protect the public at large, without reference to party divisions.²²³ As to the haste of the proceedings, let them be brought forward when they might, he, for one, gave no vote on any question unless well convinced of its justice, and endeavoured at all times to divest himself of prejudice.²²⁴ He should give no vote in any of these cases unless he was convinced that such would be the vote which he should give, if the case were reversed and the party concerned was a member of the opposite side.²²⁵ He hoped that the matter would be proceeded with in a cool and impartial manner.²²⁶

SIR A. McNAB--thought what he had said had been mistaken.²²⁷ ((He)) still thought that considering that the hon. member for Oxford was returned here by the Returning Officer²²⁸--

Here the hon. member was interrupted with loud laughter and ironical cheers from the opposition.²²⁹

SIR A. MACNAB ((continued:)) and had actually taken his seat, it was not quite right to say that he was intruding himself on that House, and had no right to remain there. He thought that the time had not arrived when they were to pronounce judgment in this matter.²³⁰ He did not object to proceed with one or two of the cases, but²³¹ he did think it looked rather strange²³² that everyone should propose²³³ that all these elections were appointed to come up to-morrow.²³⁴ Besides, if others are prepared to proceed, I am not.²³⁵ He could not so soon make up his mind on a subject of such great importance, but he apprehended that when he had an opportunity of doing so, hon. members would have no occasion to find fault with the course that he should pursue.²³⁶ He thought such a proposal totally without precedent²³⁷. He did not think hon. members opposite could show him an instance in the British House of Commons where so many election cases were taken up and disposed of on the following day. He thought it looked bad upon the Journals.²³⁸ The House had better not appoint all to-morrow, put some off till another day, or it might be charged against the hon. member²³⁹ for the Fourth Riding, ((who)) should remember that he was now ruling in the House, or at least that he belonged to a large majority opposed to a very small minority; and if they hurried on these cases²⁴⁰, with too much haste, it would appear too much as if the majority was determined on its course, and that with it,²⁴¹ "might was right". He expressed no opinion on the conduct of the Returning Officers, or on the elections, nor would he do so until the proper time,²⁴² when...he should be prepared to express an opinion on these cases; but that period had not yet come.²⁴³ He thought they all seemed in very great haste about the matter.²⁴⁴

M. PAPINEAU²⁴⁵-- a parlé en français.²⁴⁶ On semble se méprendre sur la manière de procéder dans cette circonstance.²⁴⁷ He was in favour of taking up these election cases without any delay.²⁴⁸ Il ne croit pas qu'il soit nécessaire, comme un des honorables membres le paraissait croire, d'étudier l'histoire des précédents parlementaires en Angleterre pour arriver à une conclusion sur le sujet.²⁴⁹ On pourrait se demander quelle est la pratique de la mère-patrie dans des cas analogues. Mais a-t-on jamais vu des cas semblables?²⁵⁰ Quant à la chaleur de la discussion, elle est bien naturelle; la chambre est attaquée dans son honneur et son indépendance;²⁵¹ on ne devait pas ... s'attendre à autant de sang-froid ici qu'en Angleterre en discutant de pareils sujets. On ne voyait pas en Angleterre des cas de corruption si flagrante.²⁵² It was apparent that three constituencies were altogether unrepresented and that one--if public report were to be believed--was misrepresented.²⁵³ On a dit qu'il n'y a pas d'exemple d'un aussi grand nombre d'élections contestées fixées pour le même jour; c'est vrai; mais laisserait-on dans d'autres pays à des officiers-rapporteurs de juger de ces cas? non on ne le souffrirait pas.²⁵⁴ On n'a jamais vu en Angleterre que les cabales et intrigues d'élections se soient rendues jusqu'aux officiers-rapporteurs; que des efforts pour vicier les retours aient été faits par ceux qui nommaient ces officiers-rapporteurs.²⁵⁵ Notre loi d'élections est plus vicieuse que dans tous les autres pays²⁵⁶ where there was Constitutional

Government²⁵⁷. Partout ailleurs, il y a des autorités exprès pour cette fin. En Angleterre le pouvoir de décider en ces matières n'est pas accordé a des officiers-rapporteurs²⁵⁸. ((There)) the Returning Officers of cities and boroughs were elective officers of the corporations; and in counties the Sheriffs were ex officio Returning Officers. In France and Belgium, the people chose the presiding officers at their elections; and in the United States, they were wholly elective; whereas²⁵⁹ ce n'était qu'au Canada²⁶⁰ ((that)) they were chosen at the pleasure of the executive. On this account, when complaints were made of the corrupt conduct of these officers, it was the more necessary to enquire into them without delay. In the cases before the House, there was no necessity for looking into precedents, or occupying any time in investigation.²⁶¹ Les membres de la chambre doivent se trouver blessés dans leur honneur et leur indépendance de voir trois membres privés de leur sièges.²⁶² Quel bien pouvait-on attendre d'une chambre qui verrait avec calme le retour d'un homme ayant la minorité des voix? ... Elle se doit à elle-même et au pays de hâter la décision de ces matières.²⁶³ La chambre a déjà trop retardé, elle aurait dû se saisir de ce sujet au premier moment pour compléter l'assemblée avant de présenter des mesures importantes. On a déjà tenté dans cette chambre plusieurs efforts pour remédier aux inconvénients de la loi, mais tous ces efforts ont été nullifiés par d'autres corps. Ceux qui trouvent la précipitation de cette chambre trop grande devraient concevoir que la question présente, est une question de privilège,²⁶⁴ ((which)) ought to be disposed of promptly by the House²⁶⁵, et non une question de rivalité. Il s'agit de compléter le corps législatif.²⁶⁶ Tous les comtés ont également droit d'être représentés en parlement.²⁶⁷ Il n'y a qu'à corriger les rapports des officiers-rapporteurs et la question sera réglée. C'est aux membres qu'il appartient de siéger comme juges et c'est à eux qu'est confiée la protection du corps entier. Pourquoi toutes ces mesures préliminaires qui retardent pour rien la solution de la question?²⁶⁸ En jugeant des droits des individus,²⁶⁹ ((par exemple)) s'il s'agissait de décider entre deux Membres,²⁷⁰ la chambre ne saurait être trop circonscrite par les formes, mais les questions de privilèges sont entièrement différentes. On a parlé du Grenville Act, cet acte pourvoie pour les contestations d'élection, mais aucune de ses dispositions ne concernent les questions qui nous occupent aujourd'hui.²⁷¹ Three large counties were disfranchised by the freak of partizan returning officers, although peaceful elections had been held and candidates returned by overwhelming majorities.²⁷² Voici trois grands comtés dont les représentants devraient voter sur toutes les questions d'intérêt public, sans représentants. Il fallait sans tarder leur en donner;²⁷³ il faut agir immédiatement et demander que les writs soient complétés.²⁷⁴ The duty of the Returning Officers is clearly defined by law, and is, that they shall add up the votes polled for each candidate, and return the one with a majority of votes.²⁷⁵ L'officier-rapporteur n'est pas un juge, il n'est qu'un instrument de calcul. La loi lui défend de juger et elle lui commande de donner son rapport, de le soumettre à une autorité plus respectable. Que l'officier ait agi par ignorance ou par corruption n'importe²⁷⁶ a Public Officer was as much to

blame for one as the other²⁷⁷. A qui est-ce à décider? si non aux membres de cette chambre, seuls compétents.²⁷⁸ No injury could be done to any-one; in two of the cases there were no contending parties, and in all of them, the full right of appeal was reserved to every one interested.²⁷⁹ Mr. Papineau then expressed his entire concurrence in what had fallen from the hon. member for Middlesex (Mr. Notman) relative to the sitting member for Oxford, who must know that he was an intruder in the House, and who had nevertheless presumed to give a vote on a question before it.²⁸⁰ He did not say distinctly that the Member at present sitting for Oxford had no right to vote or take his seat;²⁸¹ mais...il avait tout l'air d'...être un ((usurpateur)), puisqu'un officier-rapporteur a décidé de la qualification de candidat qui l'opposait et avait la majorité, quand cet officier-rapporteur n'avait aucun droit de le faire.²⁸² Il a usurpé suivant l'apparence, et personne n'a meilleur droit d'en juger que cette chambre où il trouvera justice. Il faut agir immédiatement, car ce membre peut voter sur des questions importantes sur lesquelles il n'a pas droit de voter.²⁸³ It is the first duty of this House to defend itself from the vote of any Member it may not think properly qualified.²⁸⁴ Il serait mieux de laisser là toutes les mesures préliminaires et d'en venir au fait, qui ne demande pas de longues études. Il n'est pas même nécessaire de le référer à des comités pour avoir des arguments solides, tous les arguments peuvent être épuisés ici. Si celui qui siège a droit, son siège ne lui sera pas ôté, on saura à quoi s'en tenir. S'il est dans la minorité et qu'il vienne voter, le comté qu'il représente n'aurait-il pas droit de se repentir, s'il influait sur des questions importantes qui le concernent.²⁸⁵ Still, despite the corruption and intrigues of the present Ministry and their Returning Officers, the country had nobly responded to the appeal of the Liberals, and returned them by a tremendous majority (une majorité écrasante). (Hear, hear.) He...concluded by saying if Mr. Carroll had taken his seat, and it was proved, as it no doubt could be, that he had no right to it, would not the Ministry have good reason to repent of their act?²⁸⁶ L'honorable membre, après plusieurs autres observations, conclut en disant qu'il fallait s'occuper de ces affaires avec la plus grande célérité et procéder de jour en jour jusqu'à ce qu'elles fussent toutes décidées. Si le jour suivant cependant on donnait de bonnes raisons pour un plus long délai, ce serait injuste de le refuser.²⁸⁷ Tout se décidera dans cette chambre sans précipitation.²⁸⁸

(3)

*Then, on motion of the Honorable Mr. Attorney General Sherwood, second-
ed by the Honorable Mr. Solicitor General Cameron,
The House adjourned.*²⁸⁹

APPENDIX: 28 FEBRUARY 1848.

((NOTICES OF MOTION.))290

Notices of motion...((were)) given by several members291.

FOOTNOTES: 28 FEBRUARY 1848.

1. LE CANADIEN's correspondent reported in its issue of 3 March 1848: "M. Morin a fait l'allocation d'usage dans les deux langues".
2. The JOURNALS' report, p. 3, combined similar motions regarding the elections of Beauharnois, Three Rivers and Kent, into one motion, whereas in reality the House considered each motion separately. The debate on the first of these elections, that of Beauharnois, was reported by the following: MONTREAL TRANSCRIPT, 29 February 1848, great chunks of whose columns have been cut away leaving enough, however, to determine that its account was identical to BRITISH COLONIST, 7 March 1848; PILOT, 29 February 1848, PACKET, 4 March 1848, and BATHURST COURIER, 3 March 1848, in identical accounts; MONTREAL GAZETTE, 1 March 1848, and ST. CATHARINES JOURNAL, 9 March 1848, in identical accounts except that in the ST. CATHARINES JOURNAL some speeches have been omitted entirely; LE JOURNAL DE QUEBEC, 4 March 1848, which acknowledged its source as LA REVUE CANADIENNE, and in some respects, was also identical to MONTREAL GAZETTE, 1 March 1848; BRITISH WHIG, 4 March 1848, which acknowledged the MONTREAL HERALD as its source, HAMILTON SPECTATOR, 8 March 1848, and PRINCE EDWARD GAZETTE, 10 March 1848, in identical accounts, except that the GAZETTE omitted some speakers entirely; MONTREAL GAZETTE, 1 March 1848, and LA MINERVE, 2 March 1848, in accounts which were basically identical, except that the MINERVE's was somewhat shorter, and each contained certain speeches not included in the other; and L'AVENIR, 4 March 1848. The GLOBE, 8 March 1848, and LE CANADIEN, 4 March 1848, contained summaries of the debate. Commentaries on the question may be found in LE JOURNAL DE QUEBEC, 4 March 1848, and GLOBE, 8 March 1848. LE CANADIEN, 3 March 1848, observed that Aylwin made the motion which precipitated this debate "comme M. Sherwood allait proposer l'ajournement".
3. BRITISH COLONIST, 7 March 1848.
4. PILOT, 29 February 1848.
5. BRITISH COLONIST, 7 March 1848.
6. PILOT, 29 February 1848.
7. BRITISH COLONIST, 7 March 1848.
8. PILOT, 29 February 1848.
9. BRITISH COLONIST, 7 March 1848.
10. IBID.
11. PILOT, 29 February 1848.
12. MONTREAL GAZETTE, 1 March 1848.
13. PILOT, 29 February 1848.
14. MONTREAL GAZETTE, 1 March 1848.
15. PILOT, 29 February 1848.
16. MONTREAL GAZETTE, 1 March 1848.
17. PILOT, 29 February 1848.
18. MONTREAL GAZETTE, 1 March 1848.
19. BRITISH COLONIST, 7 March 1848.
20. PILOT, 29 February 1848.

21. MONTREAL GAZETTE, 1 March 1848.
22. PILOT, 29 February 1848.
23. BRITISH COLONIST, 7 March 1848.
24. PILOT, 29 February 1848.
25. BRITISH COLONIST, 7 March 1848.
26. PILOT, 29 February 1848.
27. MONTREAL GAZETTE, 1 March 1848.
28. PILOT, 29 February 1848.
29. MONTREAL GAZETTE, 1 March 1848.
30. PILOT, 29 February 1848.
31. BRITISH COLONIST, 7 March 1848.
32. MONTREAL GAZETTE, 1 March 1848.
33. BRITISH COLONIST, 7 March 1848.
34. PILOT, 29 February 1848.
35. BRITISH COLONIST, 7 March 1848.
36. PILOT, 29 February 1848.
37. BRITISH COLONIST, 7 March 1848.
38. PILOT, 29 February 1848.
39. BRITISH COLONIST, 7 March 1848.
40. PILOT, 29 February 1848.
41. BRITISH COLONIST, 7 March 1848.
42. PILOT, 29 February 1848.
43. L'AVENIR, 4 March 1848.
44. MONTREAL GAZETTE, 1 March 1848.
45. PILOT, 29 February 1848.
46. BRITISH COLONIST, 7 March 1848.
47. PILOT, 29 February 1848.
48. BRITISH COLONIST, 7 March 1848.
49. PILOT, 29 February 1848.
50. MONTREAL GAZETTE, 1 March 1848.
51. BRITISH COLONIST, 7 March 1848.
52. MONTREAL GAZETTE, 1 March 1848.
53. BRITISH COLONIST, 7 March 1848.
54. A commentary on Prince's speech is to be found in MONTREAL GAZETTE, 1 March 1848.
55. PILOT, 29 February 1848.
56. L'AVENIR, 4 March 1848.
57. PILOT, 29 February 1848.
58. MONTREAL GAZETTE, 1 March 1848.
59. PILOT, 29 February 1848.
60. BRITISH COLONIST, 7 March 1848.
61. MONTREAL GAZETTE, 1 March 1848.
62. BRITISH COLONIST, 7 March 1848.
63. PILOT, 29 February 1848.
64. BRITISH COLONIST, 7 March 1848.
65. MONTREAL GAZETTE, 1 March 1848.
66. BRITISH COLONIST, 7 March 1848.
67. MONTREAL GAZETTE, 1 March 1848.

68. BRITISH WHIG, 4 March 1848.
69. BRITISH COLONIST, 7 March 1848.
70. BRITISH WHIG, 4 March 1848.
71. BRITISH COLONIST, 7 March 1848.
72. IBID.
73. IBID.
74. BRITISH WHIG, 4 March 1848.
75. IBID.
76. LA MINERVE, 2 March 1848.
77. BRITISH WHIG, 4 March 1848.
78. BRITISH COLONIST, 7 March 1848.
79. IBID.
80. MONTREAL GAZETTE, 1 March 1848.
81. BRITISH COLONIST, 7 March 1848.
82. BRITISH WHIG, 4 March 1848.
83. BRITISH COLONIST, 7 March 1848.
84. MONTREAL GAZETTE, 1 March 1848.
85. BRITISH COLONIST, 7 March 1848.
86. MONTREAL GAZETTE, 1 March 1848.
87. BRITISH WHIG, 4 March 1848.
88. BRITISH COLONIST, 7 March 1848.
89. MONTREAL GAZETTE, 1 March 1848.
90. BRITISH WHIG, 4 March 1848.
91. IBID.
92. BRITISH COLONIST, 7 March 1848.
93. BRITISH WHIG, 4 March 1848.
94. BRITISH COLONIST, 7 March 1848.
95. MONTREAL GAZETTE, 1 March 1848.
96. BRITISH WHIG, 4 March 1848.
97. BRITISH COLONIST, 7 March 1848.
98. IBID.
99. PILOT, 29 February 1848.
100. The debate on this matter was reported by: GLOBE, 8 March 1848; LE CANADIEN, 3 March 1848, which noted the debate; L'AVENIR, 4 March 1848; PILOT, 2 March 1848; MONTREAL GAZETTE, 1 March 1848, and ST. CATHARINES JOURNAL, 9 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 29 February 1848, great chunks of whose columns have been cut away, leaving enough, however, to determine that its account was identical to that of BRITISH COLONIST, 7 March 1848; and in identical accounts in MONTREAL HERALD, copied by BRITISH WHIG, 4 March 1848, PACKET, 4 March 1848, LA MINERVE, 2 March 1848, LE JOURNAL DE QUEBEC, 4 March 1848, acknowledging LA REVUE CANADIENNE as its source, HAMILTON SPECTATOR, 8 March 1848, and PRINCE EDWARD GAZETTE, 20 March 1848.
101. MONTREAL GAZETTE, 1 March 1848.
102. PILOT, 2 March 1848.
103. IBID.
104. PACKET, 4 March 1848, added: "but not in such a manner as to be intelligible to us. We could only gather that he declined to make any return on account of the violence which, as he alleged, was committed

- by the friends of Mr. Dumoulin."
105. BRITISH COLONIST, 7 March 1848.
 106. PACKET, 4 March 1848.
 107. BRITISH COLONIST, 7 March 1848.
 108. PACKET, 4 March 1848.
 109. GLOBE, 8 March 1848.
 110. PILOT, 2 March 1848.
 111. GLOBE, 8 March 1848.
 112. MONTREAL GAZETTE, 1 March 1848.
 113. PILOT, 2 March 1848.
 114. MONTREAL GAZETTE, 1 March 1848.
 115. GLOBE, 8 March 1848.
 116. PILOT, 2 March 1848.
 117. GLOBE, 8 March 1848.
 118. PILOT, 2 March 1848.
 119. IBID.
 120. IBID.
 121. PACKET, 4 March 1848.
 122. GLOBE, 8 March 1848.
 123. PILOT, 2 March 1848.
 124. MONTREAL GAZETTE, 1 March 1848.
 125. PILOT, 2 March 1848.
 126. BRITISH COLONIST, 7 March 1848.
 127. MONTREAL GAZETTE, 1 March 1848.
 128. PILOT, 2 March 1848.
 129. The debate on this matter was reported by: PILOT, 2 March 1848; MONTREAL GAZETTE, 1 March 1848; GLOBE, 8 March 1848; L'AVENIR, 4 March 1848; LA MINERVE, 2 March 1848; BRITISH COLONIST, 7 March 1848, and ST. CATHARINES JOURNAL, 9 March 1848, in identical accounts; MONTREAL HERALD, whose account was copied by BRITISH WHIG, 4 March 1848, PACKET, 4 March 1848, PRINCE EDWARD GAZETTE, 20 March 1848, HAMILTON SPECTATOR, 8 March 1848, and LE JOURNAL DE QUEBEC, 4 March 1848, which acknowledged as its source LA REVUE CANADIENNE. Commentaries are contained in EXAMINER, 1 March 1848; and HAMILTON SPECTATOR, 8 March 1848.
 130. GLOBE, 8 March 1848.
 131. PILOT, 2 March 1848.
 132. PACKET, 4 March 1848.
 133. PILOT, 2 March 1848.
 134. PACKET, 4 March 1848.
 135. PILOT, 2 March 1848.
 136. IBID.
 137. BRITISH COLONIST, 7 March 1848.
 138. MONTREAL GAZETTE, 1 March 1848. According to the GLOBE, 8 March 1848, the last resolution "was received with loud applause".
 139. MONTREAL GAZETTE, 1 March 1848. The debate on this matter was also reported in: MONTREAL TRANSCRIPT, 29 February 1848, great chunks of whose columns have been cut away leaving enough, however, to determine that its account was identical to BRITISH COLONIST, 7 March 1848, and CHATHAM GLEANER, 7 March 1848; LA MINERVE, 2 March 1848, in an account identical to but shorter than that in PILOT, 2 March 1848, except for Papineau's

speech which was reported in independent versions by both papers; MONTREAL GAZETTE, 1 March 1848, and ST. CATHARINES JOURNAL, 9 March 1848, in identical accounts; LE JOURNAL DE QUEBEC, 4 March 1848, which acknowledged as its source LA REVUE CANADIENNE, and whose account was identical to PACKET, 4 March 1848, BRITISH WHIG, 4 March 1848, and HAMILTON SPECTATOR, 8 March 1848, which all copied MONTREAL HERALD; GLOBE, 8 March 1848, in whose account some speeches were identical and others completely dissimilar to the accounts taken from MONTREAL HERALD; L'AVENIR, 4 March 1848; and LE CANADIEN, 3 March 1848, which noted the debate, and printed LA REVUE CANADIENNE's version of Papineau's speech.

140. PILOT, 2 March 1848.
141. GLOBE, 8 March 1848.
142. PILOT, 2 March 1848.
143. IBID.
144. MONTREAL GAZETTE, 1 March 1848.
145. PILOT, 2 March 1848.
146. MONTREAL GAZETTE, 1 March 1848.
147. PACKET, 4 March 1848.
148. PILOT, 2 March 1848.
149. GLOBE, 8 March 1848.
150. PILOT, 2 March 1848.
151. PACKET, 4 March 1848.
152. MONTREAL GAZETTE, 1 March 1848.
153. PACKET, 4 March 1848.
154. PILOT, 2 March 1848.
155. MONTREAL GAZETTE, 1 March 1848.
156. PILOT, 2 March 1848.
157. BRITISH COLONIST, 7 March 1848.
158. MONTREAL GAZETTE, 1 March 1848.
159. BRITISH COLONIST, 7 March 1848.
160. PACKET, 4 March 1848.
161. BRITISH COLONIST, 7 March 1848.
162. PACKET, 4 March 1848.
163. PILOT, 2 March 1848.
164. MONTREAL GAZETTE, 1 March 1848.
165. PILOT, 2 March 1848.
166. BRITISH COLONIST, 7 March 1848.
167. GLOBE, 8 March 1848.
168. PILOT, 2 March 1848.
169. BRITISH COLONIST, 7 March 1848.
170. PILOT, 2 March 1848.
171. MONTREAL GAZETTE, 1 March 1848.
172. GLOBE, 8 March 1848.
173. MONTREAL GAZETTE, 1 March 1848.
174. BRITISH COLONIST, 7 March 1848.
175. MONTREAL GAZETTE, 1 March 1848.
176. BRITISH COLONIST, 7 March 1848.
177. MONTREAL GAZETTE, 1 March 1848.
178. BRITISH COLONIST, 7 March 1848.

179. GLOBE, 8 March 1848.
180. PILOT, 2 March 1848.
181. GLOBE, 8 March 1848.
182. BRITISH COLONIST, 7 March 1848.
183. PILOT, 2 March 1848.
184. BRITISH COLONIST, 7 March 1848.
185. PILOT, 2 March 1848.
186. MONTREAL GAZETTE, 1 March 1848.
187. PILOT, 2 March 1848.
188. BRITISH COLONIST, 7 March 1848.
189. MONTREAL GAZETTE, 1 March 1848.
190. PILOT, 2 March 1848.
191. GLOBE, 8 March 1848.
192. BRITISH COLONIST, 7 March 1848.
193. GLOBE, 8 March 1848.
194. PILOT, 2 March 1848.
195. GLOBE, 8 March 1848.
196. PILOT, 2 March 1848.
197. GLOBE, 8 March 1848.
198. PILOT, 2 March 1848.
199. GLOBE, 8 March 1848.
200. PILOT, 2 March 1848.
201. PACKET, 4 March 1848.
202. MONTREAL GAZETTE, 1 March 1848.
203. BRITISH COLONIST, 7 March 1848, which reported that Sherwood spoke
"somewhat warmly".
204. MONTREAL GAZETTE, 1 March 1848.
205. PILOT, 2 March 1848.
206. PACKET, 4 March 1848.
207. PILOT, 2 March 1848.
208. MONTREAL GAZETTE, 1 March 1848.
209. PACKET, 4 March 1848.
210. PILOT, 2 March 1848.
211. MONTREAL GAZETTE, 1 March 1848.
212. PILOT, 2 March 1848.
213. MONTREAL GAZETTE, 1 March 1848.
214. PILOT, 2 March 1848.
215. BRITISH COLONIST, 7 March 1848.
216. PILOT, 2 March 1848.
217. PACKET, 4 March 1848.
218. MONTREAL GAZETTE, 1 March 1848.
219. PILOT, 2 March 1848.
220. PACKET, 4 March 1848.
221. PILOT, 2 March 1848.
222. MONTREAL GAZETTE, 1 March 1848.
223. PILOT, 2 March 1848.
224. MONTREAL GAZETTE, 1 March 1848.
225. PILOT, 2 March 1848.
226. BRITISH COLONIST, 7 March 1848.

227. MONTREAL GAZETTE, 1 March 1848.
228. PILOT, 2 March 1848.
229. IBID.
230. IBID.
231. MONTREAL GAZETTE, 1 March 1848.
232. PILOT, 2 March 1848.
233. MONTREAL GAZETTE, 1 March 1848.
234. PILOT, 2 March 1848.
235. MONTREAL GAZETTE, 1 March 1848.
236. PILOT, 2 March 1848.
237. MONTREAL GAZETTE, 1 March 1848.
238. PILOT, 2 March 1848.
239. MONTREAL GAZETTE, 1 March 1848.
240. PILOT, 2 March 1848.
241. PACKET, 4 March 1848.
242. MONTREAL GAZETTE, 1 March 1848.
243. PILOT, 2 March 1848.
244. MONTREAL GAZETTE, 1 March 1848.
245. Both GLOBE, 8 March 1848, and LE CANADIEN, 3 March 1848, commented on Papineau's speech, manner, and appearance. The GLOBE observed: "His rising created considerable sensation, and he was listened to with much attention. He is a fine looking man, graceful in his action, and he speaks very plainly." LE CANADIEN wrote: "Soit émotion, soit accident dès les premières paroles qu'il prononça, M. Papineau se trouva enroué et presque suffoqué. Il s'arrêta, demanda un verre d'eau, puis continua. Sa voix paraît s'être affaiblie, probablement par le défaut d'exercice. Mais il a toujours la même éloquence et la même vigueur de pensée et d'expressions."
246. LE CANADIEN, 3 March 1848.
247. LA MINERVE, 2 March 1848.
248. PILOT, 2 March 1848.
249. LE JOURNAL DE QUEBEC, 4 March 1848.
250. LA MINERVE, 2 March 1848.
251. LE JOURNAL DE QUEBEC, 4 March 1848.
252. L'AVENIR, 4 March 1848.
253. PILOT, 2 March 1848.
254. LA MINERVE, 2 March 1848.
255. LE JOURNAL DE QUEBEC, 4 March 1848.
256. LA MINERVE, 2 March 1848.
257. PILOT, 2 March 1848.
258. LA MINERVE, 2 March 1848.
259. PILOT, 2 March 1848.
260. L'AVENIR, 4 March 1848.
261. PILOT, 2 March 1848.
262. LA MINERVE, 2 March 1848.
263. LE JOURNAL DE QUEBEC, 4 March 1848.
264. LA MINERVE, 2 March 1848.
265. PILOT, 2 March 1848.
266. LA MINERVE, 2 March 1848.
267. LE JOURNAL DE QUEBEC, 4 March 1848.

268. LA MINERVE, 2 March 1848.
269. LE JOURNAL DE QUEBEC, 4 March 1848.
270. L'AVENIR, 4 March 1848.
271. LE JOURNAL DE QUEBEC, 4 March 1848.
272. GLOBE, 8 March 1848.
273. LE JOURNAL DE QUEBEC, 4 March 1848.
274. LA MINERVE, 2 March 1848.
275. PILOT, 2 March 1848.
276. LA MINERVE, 2 March 1848.
277. MONTREAL GAZETTE, 1 March 1848.
278. LA MINERVE, 2 March 1848.
279. GLOBE, 8 March 1848.
280. PILOT, 2 March 1848.
281. MONTREAL GAZETTE, 1 March 1848.
282. LE JOURNAL DE QUEBEC, 4 March 1848.
283. LA MINERVE, 2 March 1848.
284. MONTREAL GAZETTE, 1 March 1848.
285. LA MINERVE, 2 March 1848.
286. MONTREAL GAZETTE, 1 March 1848.
287. LE JOURNAL DE QUEBEC, 4 March 1848.
288. LA MINERVE, 2 March 1848.
289. According to MORNING CHRONICLE, 1 March 1848, and HAMILTON SPECTATOR, 4 March 1848, the adjournment took place at a quarter past six. However, in its report of 1 March 1848, HAMILTON SPECTATOR wrote more specifically: "The House adjourned at 12 minutes past 6 P.M." The PILOT, 2 March 1848, gave the time of adjournment as "half-past six o'clock."
290. The debate on this matter was reported in: PILOT, 29 February 1848, and PACKET, 4 March 1848, in identical accounts.
291. PILOT, 2 March 1848.

TUESDAY, 29 FEBRUARY 1848.

(3)

Mr. Wilson
takes his Seat.

JOHN WILSON, Esquire, Member for the Town of London, having previously taken the oath, according to law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

(4)

Report of
Librarian.

Mr. Speaker communicated to the House, a Report received from the Librarian, of the present state of the Library of the House, pursuant to a Standing Order of the 19th June, 1841; which Report is as followeth:

Library, Legislative Assembly,
25th February, 1848.

In compliance with the Standing Order in that case made and provided, the Librarian begs leave to submit a Report, for the information of Your Honorable House, and to state, that pursuant to a Resolution passed in the last Session of Parliament, adopting a Report of the Library Committee, the order for English books, recommended to be purchased by the said Committee, was placed in the hands of Messrs. Armour and Ramsay, booksellers of this city, and by them forwarded to their Agents in London for execution. The books, without loss of time, were collected, and shipped on board the Alabama, but, in a heavy gale of wind, that vessel was unfortunately lost with all her cargo, in consequence of which no books from England have been obtained since the last Report, with the exception of a few which have been procured via the United States, for a list of which see the Appendix.

It is satisfactory to state, that the whole of the lost volumes were insured by the booksellers to their full value, and that no pecuniary loss will be incurred by the wreck of the above mentioned vessel.

The list of books in the French language, ordered to be purchased by Your Honorable House, and included in the adopted Report of the Library Committee, was given to Messrs. Fabre and Company, but from the lateness of the period at which the Resolution of adoption was agreed to, it could not be executed before the opening of the navigation in the present year, but there is every reason to expect that the whole will then be procured.

Pursuant to the directions of the Committee of the Library, the valuable and unique collection of books on the History of America, has been placed in the cases made for its reception and security, it being thought absolutely necessary that they should no longer be subject to the risk of damage and loss to which in their former insecure state they were exposed.

Such books as have been received for the Library under the Copyright Act, together with some miscellaneous purchases of works, thought more particularly necessary for the use of Your Honorable House, have been enumerated in the Appendix of this Report.

The total number of books now in the Library, not including the American class, which is described in a separate Catalogue, amounts to 9,630,--and that class contains 1,378,--making a total of 11,008.

All of which is respectfully submitted.

WILLIAM WINDER
 Librarian, Legislative Assembly.

APPENDIX.

*Books received in the Library since the preceding Annual Report.
 In continuation of Periodical or other Works in the Library:--*

*Gasparin--Cours d'Agriculture, vol. 3.
 Mechanic's Magazine, vol. 45.
 Gentleman's Magazine, vol. 26.
 Quarterly Review, vol. 78.
 Edinburgh Review, vol. 84.
 Blackwood's Magazine, vol. 60.
 Guy's Hospital Reports, vol. 2,3,4.
 Repertory of Patent Inventions, N.S., vol. 8.
 Index volume.*

*Copland's Medical Dictionary--parts 1 and 2 of vol. 3
 Hansard's Debates, vols. 86, 87, 88.
 Philosophical Transactions, for 1846, part 3.
 Imperial Calendar, for 1847.
 Parliamentary Companion, for 1847.
 M'Gregor's Commercial Statistics, vol. 3
 Quebec Directory, for 1847-8, (2 copies.)
 Queen's Bench Reports, N.S., vol. 6.
 Hertslet's Commercial Treaties, vol. 6.
 Barron and Arnold's Election Cases.
 Harrison's Digest of Law Reports, for 1846.
 Law List, for 1847.
 Companion to the Almanack, for 1847.
 Hart's Army List, for 1847.
 Robinson's Upper Canada Reports, vol. 3
 Hunt's Merchant's Magazine, vols. 16 and 17.
 Revue de Législation du Bas-Canada, vol. 2.
 Knight's Political Dictionary, vol. 2.
 Montholon's Captivity of Napoleon, vols. 3 and 4.*

Miscellaneous Purchases:

(Principally received from Messrs. Armour and Ramsay, agreeably to the orders of the Library Committee.)

*Pellow's Life of Lord Sidmouth, 3 vols.
 Humboldt's Cosmos, vol. 1
 Williams' Practical Geodesy.
 Meara's Law of Elections in Ireland.
 Cresy's Encyclopedia of Civil Engineering, 2 vols.
 Walsh's Irish Registry Cases.
 Dupin's Military Force of Great Britain, 2 vols.
 Burke's Extinct Peerage.
 Modus tenendi Parliamenta in Hibernia.
 Transactions of the Geological Society, 7 vols.*

Letters, &c. of Mary, Queen of Scots, 7 vols.
Report on the Navigation Laws, to the House of Commons.
Ricardo's Anatomy of the Navigation Laws.
Smith's Historical and Literary Curiosities.
Riddell's Railway Parliamentary Practice.
Moylan on Registration of Voters.
United States Statutes at Large, 8 vols.
Bouvier's American Law Dictionary, 2 vols.
Tanner's American Canals and Railroads.
Gillespie on Road Making.
Opinions of Attorneys General of the United States, 2 vols.
American Congress Practice and Constitution.
Cushing's Manual for Deliberative Assemblies.
Clark's New York Assembly Manual.
Lodge's Illustrations of British History, 3 vols.
Walford's Laws of the Customs.
Revised Statutes of Vermont.
Slidell's Travels in Spain, 5 vols.
Thom's Book of the Court.
Nelson's Letters and Dispatches, 7 vols.
Marlborough Dispatches, 5 vols.
Carlyle's Life of Schiller.
Lady Stanhope's Travels, 3 vols.
Gleig's Story of Waterloo.
Head's Pampas; and Siege of Vienna.
Ford's Gatherings from Spain.
St. John's Sporting in the Highlands.
Edward's Voyage up the Amazon.
Gingras, Voyage d'Orient, 2 vols. (2 copies.)
Appleton's Library Manual.
Wilton's Scenes in a Soldier's Life.
Espinasse on Statutes.
Milne on the Valuation of Annuities, 2 vols.
Life of O'Connell, 2 vols.
Sale's Brigade in Affghanistan; and Letters from Madras.
Life of Horner, 2 vols.
Reddie's Maritime Law, 2 vols.
Collins' Peerage, by Sir Egerton Brydges, 9 vols.
Bell's Travels in Asia, 2 vols.
Gully's Water Cure.

(5)

Ellis' Original English Letters, 11 vols.
Heylyn's Helps to History.
Coleridge's Works, 11 vols.
Verstagen's Antiquities.
Macaulay's Field Fortification, 2 vols.

Presented under the provisions of the Copyright Act:--

Wilton, J.H., *Scenes in a Soldier's Life*.--Published
by R. and C. Chalmers of Montreal.

Works added to the Collection on the History, &c. of America:--

Album Littéraire et Musical, de la Revue Canadienne,
pour l'an 1846-1847, 4to. 2 vols, (6 copies.)

Additional Quebec Papers, 8 vo.

Bradford, (U.A.J.) Notes on Valley of Upper Mississippi,
8vo.

Bradford, (Alden) History of Massachusetts, 8vo. 3 vols.

Back, (Captain) Narrative of Arctic Land Expedition, 8vo.

Burnet, (Jacob) Notes on the Western Territory, 8vo.

Bubbles of Canada, 8vo.

Baird, (R.) De la Religion aux Etats Unis d'Amérique,
8vo. 2 vols.

Bartlett's Canadian Scenery, 4to. 2vols.

American Scenery, 4to. 2 vols.

Brown, (H.) History of Illinois from its discovery, 8vo.

Barlow's Vision of Columbus, 8vo.

British American Journal of Science, 4to. 1 and 2 vols.

*Champlain, (Samuel de) Journal des observations faites
en Canada, &c. (Edition of 1613,) 4to.*

*Champlain's Voyages et Descouvertes faites en la
N. France, (Edition 1620,) 8vo.*

Contest, (The) in America, 8vo.

Carver's Travels in America, 8vo.

Collection of Tracts on Taxation in America, 8vo. 2 vols.

Chalmer's Political Annals, 4to.

Coxe's, (Tench) Views on America, 8vo.

De Roos' Narrative of Travels in Canada and United States,
8vo.

Dunn's History of Oregon Territory, 8vo.

Delafield's Enquiry on Antiquities of America--New York,
1839, 4to.

Dickens' American Notes, 8vo. 2 vols.

Darby, (W.) Memoir on Florida--Philadelphia, 1821, 8vo.

Ellis' Narrative of a Journey to New Britain, 8vo.

French's Historical Collections of Louisiana, 8vo.

*Franklin's, (Captain) Narrative of Journey to Polar
Sea, 4to.*

Fisher's Journal of Discovery to Arctic Regions, 8 vo.

Farmer's American Letters, 8 vo.

*Farnham's, (Thomas) Travels in the Great Western
Prairies, 8vo. 2 vols.*

Flint, (James) Letters from America--Edinburgh,
1822, 8vo.

Foot, (Stuart) Texas and the Texians--Philadelphia,
1841, 8vo. 2 vols.

Fisher Ames' Works, 8vo.

- Gesner's, (Dr.) Geological Survey of New Brunswick, 8vo.
 Gesner's, (Dr.) Geology of Nova Scotia, 8vo.
 Grund's Manners of the Americans, 8vo. 2 vols.
 Holmes (Abiel) American Annals, 8vo. 2 vols.
 Harway's Account of British Troops in America,, 8vo.
 Hume's (G.) Canada as it is--New York, 1832, 12mo.
 Henderson's History of Iceland, 8vo.

 History of New York by Knickerbocker, 8vo.
 Hazard's, (E.) Historical Collections, 4to. 2 vols.
 History, (Impartial) of War in America, 8vo.
 Histoire des Indes Occidentales (Maffei and Mangin,) fol.
 Historical Collections of Massachusetts, 8vo. 27 vols.
 Hook's, (W.F.) Life of Bishop Hobart, 8vo.
 Hubbard's Indian Wars, 8vo.
 Humboldt, Observations Astronomiques, &c., dans la
 Nouvelle Espagne, 4to. 2 vols.
 Sur le Royaume de la Nouvelle Espagne, 4to.
 2 vols., avec Atlas, folio.
 History of the Indian Tribes of America; by M'Kenney
 and Hall, (Illustrated,) fol. 3 vols.
 Hawkins', (E.) Church of England in the Colonies, 8vo.
 Hammond, (Jabez) History of Political Parties in New
 York from 1778 to 1840, 8vo. 2 vols.
 History of the Bank of the United States, 8vo.
 Hooton's Texiana, or St. Louis' Isle, 8vo.
 Jontel's Journal of Voyage to Mexico, 8vo.
 Jefferson's Notes on Virginia, 8vo.
 Jefferson, Memoirs and Correspondence, 8vo. 4 vols.
 Interest of Great Britain considered, 8vo.
 Kip, (Reverend Mr.) Early Jesuit Missions in Canada, 8vo.
 King's, (Dr.) Narrative of Expedition with Captain Back, 8vo.
 Kennedy's Rise and Progress of Texas, 8vo.
 Kennedy, (John) Life of the first Lord Baltimore, 8vo.
 Lanman, (C.) Tour to the Saguenay, 8vo.
 Lescarbot (Marc) Voyages en la Nouvelle France,
 (Edit. 1617,) 8vo.
 La Popelinière--Les trois Mondes, 8vo.
 Lewis & Clarke's Expedition to the sources of the
 Mississippi River, Dublin, 1817, 8vo. 2 vols.
 Literary Garland or Canadian Magazine, small fol. 9 vols.
 Murray's Historical and Topographical account of the
 United States, 12mo. 3 vols.
 Marryatt's (Captain) Diary in America, 8vo. 3 vols.
 Memoirs of Henry Timberlake, 8vo.
 Monette's History of Discovery, &c. of Mississippi,
 8vo. 2 vols.
 Martineau (Harriet) Voyage aux Etats Unis, 8vo. 2 vols.
 Society in America--New York, 1837, 12 mo. 2 vols.
 Macleod's (Alexander) Trial for burning the Caroline
 --N. Y. 1841, 8vo.

- Nova Francia*--translated from Lescarbot by Erondelle, 4to.
O'Callaghan's (Dr.) *History of the New Netherlands*,
 8vo. vol. 1.
Prime's (Nathaniel) *History of Long Island*--N. Y.
 1845, 12 mo.
Palmer's Travels in the United States and Canadas, 8vo.
Quincy's (Josiah) *History of Harvard University*--
 Cambridge, 1840, 8vo. 2 vols.
Richardson's (Major) *Eight years in Canada*, 8vo.
The Guards in Canada; or the Point of Honor, 8vo.
Roy (Mrs. Jennet) *History of Canada, for the use of*
Schools, 12mo.
Ross (Captain) *Voyage for Exploring Baffin's Bay*, 4to.
Russell (William) *History of America since its discovery*--
 London, 1778, 4to. 2 vols.
St. John's true description of Lake Superior Country, 8vo.
Simpson's (Sir George) *Overland Journey*, 8vo.
Simon's Indians of America identified, 8vo.
Solis (Ant. de) *Conquest of Mexico*, translated by
 Townsend, 8 vo. 2 vols.
 (6)
Smith's Discourses on public occasions in America, 8vo.
Smith's (Coke) *Sketches in the Canadas*, fol.
Sabine's American Loyalist, 8vo.
Santarem (Le Vicomte de) *Recherches historiques sur*
Vespuce, 8vo.
Stoddart (Major A.) *Descriptive Sketches of Louisiana*, 8vo.
Sansom's Sketches of Lower Canada--New York, 1807, 12mo.
Stiles' (President) *History of the three Judges of*
Charles I--Hartford, 1794, 12mo.
Schoolcraft--*Oneta, or the Red Race of America*--
 N. Y. 1845, 8vo.
Trumbull's Indian Wars, 8vo.
Thompson's Recollections of Mexico, 8vo.
Trumbull's (Benjamin) *History of Connecticut, from*
 1630 to 1764--New Haven, 1818, 2 vols.
Theller, (E. A.) *Canada in 1837-8*, 8vo. 2 vols.
Von Tschudi's Travels in Peru, 8 vo.
Venega's History of California, 8vo. 2 vols.
Von Raumer (Fred.) *America and the American People*--
 N. Y. 1846, 8vo.
Volney's America, 8vo.
Williams' Addresses, &c. of the Presidents of America,
 8vo. 2 vols.
Wilson (Marcius) *American History of Indian Tribes*,
 &c., 8vo.
Washington and the Generals of the American Revolution,
 8vo. 2 vols.
Warburton's Hochelaga, 8vo.
Wilkinson's (General) *Report of Committee on his conduct*
 &c.--Washington, 1841, 8vo.
Young on Colonial Education, 8vo.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Chauveau,--The Petition of J. Bte. C. Dupuis and others, landholders of the Counties of L'Islet and Bellechasse; and the Petition of Pierre Dequise, of the Parish of St. Thomas.

By Mr. Sherwood of Brockville,--The Petition of the Municipal Council of the District of Johnstown, (Assessment to support the Poor.)

By Mr. Thompson,--The Petition of John T. Cooper and others, freeholders of the Townships of Walpole and Rainham; and the Petition of William Fitch and others, freeholders of the County of Haldimand.

By Mr. Webster,--The Petition of the Municipal Council of the District of Wellington, (Pauper Emigrants;) the Petition of the Municipal Council of the District of Wellington, (New District of Bruce;) the Petition of the Municipal Council of the District of Wellington, (Pathmasters;) the Petition of the Municipal Council of the District of Wellington, (Common School Act;) and the Petition of the Municipal Council of the District of Wellington (Assessment Rolls.)

By Mr. Brooks,--The Petition of John D. Bostwick and others, of the District of St. Francis; and the Petition of A. W. Kendrick and others, of the Township of Compton, in the District of St. Francis.

By Mr. Macdonald of Glengarry,--The Petition of D. AE. Macdonell, Esquire, Candidate at the late election of a Member for the County of Stormont, and others, Electors of the said County,¹ and the Petition of Charles Rattray and others, Electors of the Town of Cornwall.²

By Mr. Flint,--The Petition of David Bruce and others, of the Town of Pictou, in the District of Prince Edward; the Petition of the Municipal Council of the District of Victoria, (Administration of Justice;) and the Petition of the Municipal Council of the District of Victoria (Road.)

By Mr. Morrison,--The Petition of the Municipal Council of the Home District (Registration.)

By the Honorable Mr. Boulton,--The Petition of Nathan S. Coho, of Middleton, in the District of Talbot.

By the Honorable Mr. Attorney General Sherwood,--The Petition of William Davis and others, of the City of Toronto, tavern-keepers.

By Mr. Smith of Durham,--The Petition of James Robertson and others, of the Townships of Clarke and Hope, in the District of Newcastle.

By Mr. Drummond,--The Petition of the St. Lawrence and Atlantic Railroad Company.

By Mr. Taché,--The Petition of the Mayor and Secretary of the Municipal Council of Rimouski (Registration;) the Petition of the Mayor and Secretary of the Municipal Council of Rimouski (Distribution of Laws;) and the Petition of the Reverend P. Routier and others, of St. Louis de Kamouraska.

MR. PRICE--³ moved the appointment of a select committee to enquire whether certain documents (relating to the Indian Department) which appeared in the Journals of the House last session, as having been sent down from the Executive Government, did in reality emanate from the Government.⁴

((He)) complained of the manner in which the Government had, time after time, defeated his endeavours to get the whole of this matter before the House and the Country.--⁵ It had been alleged that the gentleman who was formerly at the head of the Indian Department had been a large defaulter; but as this department was under the control of the Imperial Government, the House could not interfere, but a committee was appointed to get at the facts by means of documents laid before them, and to enquire into the truth or the falsehood of the charge. The committee had been appointed last session⁶ ((but)) at so late a period of the Session that they could not bring their deliberations to a termination.⁷ After great delay certain papers had at last been produced, which were said to have been sent down from the Head of the Government, and to be the only documents affecting the case⁸, ((and)) which were got printed in the Appendix to the Journals of the House.⁹ It appeared, however, that these were not the only papers of importance, and it was strongly suspected that some of the documents¹⁰ printed in that Appendix¹¹ had not been sent down by the Head of the Government,¹²((they)) were not official... and...were never asked for,¹³but were surreptitiously slipped in--to make out a case, if possible, for Mr. Jarvis, and screen him from public censure¹⁴, ((as he)) was a defaulter to the tune of £4800. He therefore moved the appointment of a committee to enquire into the matter. His only object in bringing up this matter before Parliament was to get at the facts of the case, and give the individual whose name was connected with the motion an opportunity (which he had not hitherto had) of vindicating his character. It was due to him that his friends should either show that the report which had gone abroad was not true, or come forward at once to make up the deficiencies which appeared against him.¹⁵ He was determined to have the matter sifted, and proposed, in addition to appointing a committee for investigation, to address the Governor General as to the documents referred to.¹⁶ He concluded by moving that two members be added to Committee in place of two who were not now Members of the House. The new Committee, he proposed, should consist of Messrs. Seymour, Aylwin, Wetenhall, Brooks, and Price.¹⁷

MR. MORRISON--seconded the motion.¹⁸

(6)

Indian Affairs.

Resolved, That a Select Committee, composed of Mr. Price, Mr. Seymour, the Honorable Mr. Aylwin,

Mr. Wetenhall, and Mr. Smith of Frontenac, be appointed to enquire if certain Documents which appear in the Appendix to the Journals of this House of last Session, as having been sent down to the House by the Executive Government in reply to an Address of the House, did in reality emanate from the Executive Government, and if they were laid before the House, and ordered to be printed; to report thereon with all convenient speed, with power to send for persons, papers, and records.

MR. AT. GEN. BADGLEY--¹⁹ moved that the House do resolve itself into a Committee of the whole, to take into consideration the expediency of amending the Act 4 and 5, Vic. Cap. 12 (sic), relative to indigent Emigrants.²⁰

MR. INSP. GEN. CAYLEY--((seconded the motion)).²¹

MR. LAFONTAINE--objected to the appointment of the committee at the present time²². ((He)) remarked, that it was unusual to go into any business previous

to answering the Speech from the Throne; and that previous to considering the subject, any correspondence which had taken place between the home and Provincial Governments, should be laid before the House.²³

MR. AT. GEN. BADGLEY--said that some correspondence had taken place between the Ministry and the home Government, which would be laid before the house as soon as possible²⁴. He said that any person who could read a newspaper had seen all the correspondence²⁵ as it had been published in the newspapers, and was, consequently, well known to the members,²⁶ and the whole should be submitted to the House on the following day. But this was a matter affecting the sanatory (sic) state of the country, and requiring prompt action; he therefore²⁷ trusted that the house would not object to his proceeding, at the earliest possible moment, to the consideration of a matter of so much importance...The Bill which he intended to introduce upon the Resolutions he was going to move in Committee, would be²⁸ printed and in the hands of Members²⁹ in a few minutes.³⁰ He had hoped to have presented it before, but trusted the House would bear with him and allow the Bill to go into Committee³¹ and these resolutions to be read. (Hear, hear.)³²

MR. H. BOULTON--said that the House could take no notice of despatches or documents published in the newspapers³³. It was not information on which the House could act;³⁴ they ought to be laid upon the table of the House before the House could notice them; and those despatches had certainly not been laid upon the table of the House at the time the motion was made. (Hear, hear.)³⁵ But yet he would not oppose the Committee. Legislation would, no doubt, take place in England, which would modify the evils complained of; but it was the duty of Canada to take care of herself³⁶ particulièrement contre les maux dont il a à se plaindre, au sujet de l'émigration.³⁷

MR. AT. GEN. BADGLEY--had referred to the newspapers merely for the purpose of facilitating this preliminary proceeding; and in the mean time the original documents, together with the blue book on the subject, published in the House of Commons, should be laid on the table for the benefit of members.³⁸ ((He)) observed he was acting under peculiar circumstances, and hoped the House would not oppose the appointment of Committee. The responsibility of instant legislation rested with the Government, and he considered it so great that if he neglected it for an instant they would be justly blamed. The Government felt the great necessity of the immediate passing of this Bill. The Mail left for England next Friday. It ought to take home this Bill, that ship-owners might immediately have notice of the intended alteration in the Laws, and thus prevent a recurrence of the disastrous scenes of 1847. When they hear of the preparations making in England for Emigration next season, when they remembered the mischief which had occurred, the Government would be blameable in the extreme, if it consented to the delay of an hour only. They would gladly undertake the responsibility of bringing the motion forward, but not of delaying it a moment longer.³⁹

MR. PAPINEAU--thought that it would be better before passing any act of this kind to have a committee which might inquire into the facts upon which it was founded. But there were other considerations that he thought would make delay desirable. For instance, it would be very proper to examine into the taxes levied in other countries, such as the United States, in order to see

that the law of Canada was so adapted as to meet that, and prevent Emigrants driven from that route from coming to Canada. It would be also well to know what the advice of the Colonial Office on this subject might be, for though the house ought not always to follow the dictates of that office, it would in this case be extremely desirable to pass a bill that would be immediately sanctioned at home. The bill ought to apply as well to emigration from Northern Europe as from the United Kingdom. The greatest attention too, ought to be given to make the bill effective; for the emigration trade, at present, was more atrocious than the slave trade ever was. In the latter trade it was the interest of the Captain to deliver his entire cargo in good health; in the former, it was often the interest of the Captain to throw overboard as many as possible. There should not, in his opinion, be one bill, but several. The kind of vessel, and the class, which should be alone permitted to carry emigrants should be specified. At present, it was too common to have this most precious of all cargoes brought over in vessels of the very worst class, which could not even carry sail, to take all the advantages of a fair wind. It might be proper, too, to inquire into the condition of Grosse Isle. He had been informed that the conveniences for burying the deceased were so limited as to make it possible that the Quarantine establishment must be changed. On that subject, he knew that, at the first establishment of the Quarantine at Grosse Isle, it was stated by the Pilots, that unless the place were adopted, no other could be found with anchorage within 90 or 100 miles of Quebec. However, it would probably be better not to enter into these details for the present; but to carry a bill that would meet with immediate assent in England.⁴⁰

MR. LAFONTAINE--did not object to the house going into committee, he merely wished to call attention to its being a departure from the ordinary course of proceeding⁴¹ and desired that the correspondence be laid before the house.⁴²

MR. AT. GEN. SHERWOOD--said, the hon. gentleman was perfectly right in saying that the correspondence should be laid before the house, previous to its going into consideration of the subject, and as a general principle, that the speech from the throne should be answered before entering upon any other business⁴³, but in this instance they were acting under peculiar circumstances. The responsibility of the measure rested entirely on the members of the present Government, and they conceived the responsibility so great that they⁴⁴ were more afraid of the responsibility of delay than of bringing the matter forward now, for if there were any delay it would be out of their power to provide against the evil they were afraid of; it was necessary that the bill should pass immediately in order that it could be sent home in time⁴⁵ to bring in some measure to prevent a recurrence of the calamity which occurred here in 1847. (Hear, hear.) The correspondence might furnish information to hon. gentlemen as to the mode of treating this bill, and ought, generally speaking, to be brought down; but it was out of their power at the present moment to do it. But their reason for bringing forward the measure without it, was that the Government felt the necessity of having the bill passed, if the House agreed to it, so that it should reach England in time⁴⁶ to govern the emigrants sailing this season; and⁴⁷ to give notice to ship-owners engaged in bringing out emigrants to this country of the material alteration which it was proposed to make in the law. (Hear, hear.) They deemed it unfair for

ship-owners to be allowed to embark emigrants, and bring them to this country, when the law was so completely changed from what they thought it was.⁴⁸ He saw some of the English newspapers remark that there would be an extensive emigration this season⁴⁹. He conceived that when they knew that preparations were making to embark the same description⁵⁰ and the same class⁵¹ of emigration to this country, and in still larger numbers than during the past year,--and when he considered that not only loss of life occurred among these emigrants, but also the number who were lost to their country and their professions (hear, hear,) among the clergy, the medical men, and even among individuals in private life;--he did think that they, as a Government, would be censurable in the extreme if they did not take the earliest opportunity to prevent, if possible, that dire calamity from again occurring. (Hear, hear.) It was for this reason that they had brought forward this measure before the correspondence was produced, and not from any intention of slighting the House or concealing anything.⁵² He therefore trusted that the House would allow the bill to pass in time to send it home.⁵³

MR. AYLWIN--remarked that the hon. Member had talked a great deal about responsibility, but he did not think he felt it much, nor did he believe, even if they introduced the Bill, that the responsibility of carrying it would fall upon them⁵⁴; he thought a great deal of the responsibility would fall in a very different quarter. The hon. Attorney Gen. East had spoken about the members being acquainted with the despatches from the Colonial Office⁵⁵, ((and)) a reference had been made to information contained in the newspapers which, it had been said, contained all the documents which had been published on this important subject. It was not so. He had caught a glimpse of⁵⁶ a copy of a return made to the House of Commons and very recently published, which was probably the "blue book" which had been referred to by the hon. member for Missisquoi; and he begged leave to say that the contents of that blue book had been published in that country, and that there were facts to be found in the pages of that book⁵⁷ which had not been published; and with which the House and the country were not acquainted⁵⁸, and which well deserved the attention of this House and the gentleman opposite, and others who could conduct the Bill better than they could⁵⁹. The hon. gentlemen were certainly bound to bring forward a bill at the earliest period, but⁶⁰ he would tell the Ministers it was their duty to lay all possible information before the House, that it might be prepared to make the responsibility fall on those who ought to bear it, to make the bailiffs, and stewards of England and Ireland responsible, or their masters, whose answers, though satisfactory at home, might not be so to the people of this country.⁶¹ The hon. member for Missisquoi, instead of appealing to the newspapers for information on the subject, should have had a selection from these returns printed, and in the hands of all the members on the first day of the session.⁶² The house must have the returns before it, previous to its legislating upon the matter, or it could not do so in a satisfactory manner.⁶³ All this must be done, or the Bill would fall short of its desired end.⁶⁴

MR. BOULTON--said the delay on this subject would defeat all good obtainable from it.⁶⁵ He hoped that nothing would interfere with the passing of this bill;⁶⁶ there was now barely time to pass...(it), for in three weeks thousands of emigrants would be on their way.⁶⁷ The people, from one end of

the country to the other, had petitioned this House for a measure like this; and surely it was not necessary for them to refer to correspondence on the subject. The people of this Province were already aware of the importance of it;⁶⁸ and although the House was desirous of having information, he still⁶⁹ did hope and trust the bill would be allowed to proceed at once⁷⁰ and that the House would pass the measure before Friday next, that it might go to England by the first mail. (Hear, hear.)⁷¹

MR. BALDWIN--considered the desire to facilitate the proceedings of the government in this matter existed on all sides of the house.⁷² It was not the intention of hon. members on this side of the House to throw difficulties in the way of the government⁷³ in carrying out their measures, but, on the contrary, ((they)) wished to facilitate their carrying on the Government as much as possible;⁷⁴ at least this was the feeling of those with whom he had conversed on the subject; while therefore his honourable friends complained of want of information on the subject, he was perfectly satisfied they did not wish to throw difficulties in the way of the committees. (Hear, hear.)⁷⁵ But he thought that it was very desirable to have some more information previous to their going into Committee; for members had not yet any information as to the points upon which the Ministry intended to legislate.⁷⁶ For his own part, rather than throw any difficulties in the way of a bill of this kind, he would take the resolutions upon the responsibility of Her Majesty's Ministers, reserving to himself, when the bill came to a committee, the power of taking exception to and altering the provisions which he now formally consented to, for the introduction of the bill. This he would do to facilitate the passing of the Bill before Friday⁷⁸, if they thought that a postponement (sic) until to-morrow would endanger the Bills being sent home in time to prevent the evils which they were afraid of.⁷⁹

(6)

Emigration.

*On motion of the Honorable Mr. Attorney General
Badgley, seconded by the Honorable Mr. Cayley,*

Resolved, That this House do now resolve itself into a Committee of the whole, to take into consideration the propriety of amending the Indigent Emigrants Act 4 and 5 Vic. c. 13, and of making further provision in respect of Emigration.

The House accordingly resolved itself into the said Committee.

Mr. Price took the Chair of the Committee;

MR. AT. GEN. BADGLEY--moved a resolution to the effect that it was necessary to amend the law 4 and 5 vic., chap. 13, relevant to Indigent Emigrants.⁸⁰

((The resolution was carried.))⁸¹

MR. AT. GEN. BADGLEY--stated that by the present law a rate of tax of 5s. was levied upon every passenger or Emigrant arriving in this country from Great Britain--two children under 14 years, or three under seven, being reckoned as one passenger, and children under the age of twelve months not being included or reckoned.--He (Mr. B.) proposed to raise this tax to 10s. per head, applying to all, irrespective of age; and, as large numbers of Emigrants frequently arrived at a late period in the season--so late that it was almost impossible for them to do anything for themselves that fall

or winter--and large numbers thus became a charge upon the public--he proposed that the tax should be raised to 20s. per head upon all Emigrants arriving between 10th September and 1st October, and that it should be farther increased to 30s. per head upon passengers arriving after 1st October.--He concluded by moving a resolution embodying these amendments.⁸² That a tax of 10s. shall be levied on every passenger, irrespective of age, who shall arrive at the Port of Montreal, or the Port of Quebec; 20s. on each passenger who shall arrive between the 10th day of September and the 1st day of October, in any year, and 30s. for any passenger arriving after the 1st day of October, in any year.⁸³

((The)) resolution ... was put from the chair.⁸⁴

MR. H. BOULTON--Mr. Chairman?⁸⁵

MR. PRICE-- , the chairman--Carried.⁸⁶

MR. H. BOULTON--Carried?⁸⁷

MR. PRICE--Yes, carried.⁸⁸

MR. H. BOULTON--Then it's pretty sharp practice.⁸⁹

It was ... decided, that Mr. Boulton might address the Chair.⁹⁰

MR. H. BOULTON--did not rise for the purpose of opposing this measure, as he thought it one of the greatest importance, and ought to be made as perfect as possible.⁹¹ He thought the Bill a bad one, if the principle ... were adopted⁹² of putting a commutation tax on every individual arriving in this country; he thought it would be better to impose a certain tax on individuals arriving in certain numbers in a ship of a certain number of tons. If for instance there was one passenger allowed to a ton, or one passenger to every five tons, as might appear desirable, he imagined it would be perfectly safe, increasing the commutation tax as the number of passengers increase, in reference to the amount of tons; this would have the effect of preventing ships coming to our ports overcrowded, which was the great object they ought to have in view. He had no desire to hinder the progress of the measure⁹³ ((and)) as he knew but little about the matter, he proposed nothing in particular, but thought he would throw out a hint to the House, who could act on it or not, as they thought proper.⁹⁴ He would suggest if it was not better to adopt this principle than one imposing a tax on all passengers coming to the country which might⁹⁵ drive away healthy passengers and those possessed of means, who ought not to be taxed.⁹⁶

MR. INSP. GEN. CAYLEY--said there were certain expenses incurred by the Government every year, for assistance to indigent Immigrants and for transporting them from the port of landing to their places of destination; this had hitherto been defrayed by the capitation tax of 5s. per head, and by a grant from the Imperial Government, which had been sufficient, until this last year, and the suggestion of the hon. gentlemen who had just spoken would if carried out, go to destroy that fund⁹⁷ as, admitting a vessel carried but fifty passengers, fifty might be as poor as five hundred. A fund must be raised....⁹⁸ ((He)) thought the proposed increase would be ample for all ordinary years.

MR. AYLWIN--said that if he understood right the course which the Attorney General meant to pursue, this was merely preparation to the introduction of his bill. Why then should all these details be entered into? He thought it would be infinitely better⁹⁹ for many reasons, not to proceed with the bill, but to introduce a Resolution affirming the necessity of

legislating on the subject; better state a general proposition, and reserve¹⁰⁰ the discussion of the details of the measure¹⁰¹ for the House¹⁰² to a future period in the progress of this bill. (Hear, hear.)¹⁰³

MR. AT. GEN. SHERWOOD--The hon. member for Quebec has suggested a general proposition: this cannot happen, as he would be told, if he consulted any one acquainted with Parliamentary usage¹⁰⁴. ((He)) said that it had been the intention of his hon. friend to have introduced this bill into the House yesterday, but having been informed by the Speaker that he could not introduce a bill into the House to impose or increase a tax without first going into a committee of the whole upon it, he had altered his course. His hon. and learned friend, the Inspector General, when he introduced his Customs Bill last session had proceeded several stages with it, when the hon. member of the Fourth Riding of York got in and said that he must go into a committee of the whole House (hear, hear;) and his hon. friend had been obliged to change his course, and go into a committee, discussing the bill item by item. He thought that his colleague¹⁰⁵ from Toronto¹⁰⁶ was wrong in objecting to the amount of taxation on each emigrant; he did not think it could have the effect of driving the better class of¹⁰⁷ healthy or wealthy passengers¹⁰⁸ from us¹⁰⁹ for he thought they would be very willing to pay 5s. each more to secure a comfortable passage¹¹⁰ if they thought that they could come out in ships free from the diseases and other inconveniences which attended the emigration which prevailed last year. In the United States they were taxed one dollar for permutation as it was called.¹¹¹ The law also included some provisions similar to what the hon. gentleman suggested¹¹² to prevent the over-crowding of vessels¹¹³. It was one regulation of the Bill, that a space not less than 12 superficial feet should be allowed for each passenger;¹¹⁴ and to prevent the act being evaded there was an inspection of the number of feet in the vessel immediately on its arrival, and a penalty was to be imposed on the captain if he had not complied with the provisions of the bill.¹¹⁵ For the strict observance of this Bill the captain alone was to be responsible; on him the penalty; to him the advantages; which would render him careful; and prevent the miseries which the late ill-regulated emigration had entailed on the Province, and which had caused an expenditure from the Provincial Chest of from £150,000 to £160,000¹¹⁶, besides being largely in arrears for them, and they required to make provision for funds to defray the expenses which would probably be incurred this year. He thought that the sum proposed would be little enough for this purpose.¹¹⁷ He heard the House would consent to the tax of two dollars, but if not he was quite willing to put it at one dollar.¹¹⁸ He believed the Bill was an excellent one.¹¹⁹

MR. H. BOULTON--The resolution had not been brought forward properly; but he would not take the responsibility of proposing any alteration. He perfectly concurred with the hon. member for Toronto¹²⁰ that a committee of the whole House was the proper place to decide on the amount of tax to be levied, because it was of the nature of a Committee of Supply, which could not be moved for at this period of the session.¹²¹ As the Ministry had brought forward the measure upon their own responsibility, he was not prepared to take the responsibility of opposing the measure, but he thought that there were other provisions required, besides those mentioned.¹²² The landlords of Ireland had thrown upon our shores the emptyings of their poor houses and made us a receptacle for their poor¹²³. In the United States the Captains of

vessels were required to give security that the passengers would not become a charge upon the public, for at least twelve months, and he thought, that some provisions should be introduced in the Bill requiring Captains to give security, that old infirm and helpless people whom they brought out should not become a charge upon the public, for twelve months.¹²⁴

MR. AT. GEN. SHERWOOD--Such a provision was useful¹²⁵, ((and)) there were provisions of this nature contained in the bill¹²⁶, and insane and decrepid persons would be provided for¹²⁷.

MR. PAPINEAU--addressed the Committee...in French.¹²⁸ On s'engage dans un mauvais procédé.¹²⁹ The subject before the House was one of the most important, and¹³⁰ mérite la considération la plus attentive. Il suffit de porter les yeux sur les tableaux du passé, de se rappeler les souffrances horribles des émigrés entassés dans le fond d'un vaisseau infecte, l'inhumanité des propriétaires et des conducteurs de vaisseaux pour se convaincre de l'urgence d'un remède¹³¹. They were to look not only to the sufferings of the poor emigrants, but also to those of the people of Canada, and see that the system of emigration was no longer more burdensome to this country, than it was to others.--¹³² Rien ne doit être arrêté aujourd'hui, une loi existe, qu'elle reste sans modification en attendant que le sujet puisse être repris et considéré en différents temps et en divers aspects. Il aurait fallu un bill imprimé sur lequel on aurait laissé en blanc les sommes à imposer. On pourrait se conformer aux lois existantes en Angleterre et aux Etats-Unis. En législatant il ne faut rien adopter sans avoir motif bien fort d'après lequel on agit. Il serait bon d'avoir plusieurs bills distincts à comparer. Le bill qui sera adopté doit être bien conforme aux intentions exprimées par le bureau colonial, sûr d'avance qu'il ne sera pas sanctionné sans cela. Pourtant le bureau colonial doit ignorer beaucoup de choses qui nous touchent de très-près. Ce qui se passe à la station de Grosse Isle, à la Pointe St. Charles, au Haut-Canada n'a pas pu être étudié au bureau colonial; c'est à la chambre à considérer cela, c'est à elle de fixer la somme et à régler la manière du départ. La chambre sera gênée par les règles de l'assemblée si elle a voté d'abord une telle somme et qu'elle soit obligée d'en voter une autre plus tard dans la même session. Rien ne doit être passé immédiatement, s'il est à présumer qu'il diffère des vues du bureau colonial et qu'il faille l'amender ensuite. Avant d'amender les acts existants, il serait bon de prendre 24 heures ou deux fois 24 heures pour considérer les nouvelles dispositions et les comparer avec les dépenses de l'année dernière.¹³³ The emigration from the Northern parts of Europe to the United States was far greater than that from the United Kingdom, and in every way a more healthy emigration¹³⁴. L'émigration d'Allemagne riche et pleine de vigueur est immense aux Etats-Unis et à la Nouvelle-Orléans surtout. Si les lois du Canada ne sont pas aussi stringentes que celles des Etats, nous aurons toujours une émigration pauvre et malade à cause de la modicité du prix. Il faut du délai pour considérer plus attentivement toutes ces circonstances.¹³⁵ We must be careful not to injure our trade by taxing all emigrants to such a degree as to turn from our shores the German portion, who, if not coming to this country as settlers, still benefit us by their expenditure in passing.¹³⁶ Le commerce

de l'émigration ressemble beaucoup à la traite des noirs. Oui, l'émigration Irlandaise est un commerce, et un commerce plus barbare que celui des esclaves. Dans ce dernier commerce les propriétaires de vaisseaux et les capitaines ont intérêt à conserver la vie et la santé à leurs passagers, dans le commerce de l'émigration, les propriétaires et les capitaines trouvent leur intérêt dans la mort de leurs passagers, à les jeter par dessus le bord, plus il en périt, mieux c'est pour eux.¹³⁷ Considering the horrors attendant on the emigration of last year, and the sufferings both of the emigrants and citizens of Canada, was it not revolting to humanity to know that the vessels chosen for emigration were those that Insurance Offices would not take, as they could not carry sail sufficient when the wind was favorable¹³⁸? Ainsi pour l'avantage des émigrants et pour celui des habitants du Canada, il faut des mesures strictes pour la répression de ces crimes. Avant que les membres puissent donner leur concours à aucune mesure, des détails sont requis, sont de nécessité, la précipitation serait mauvaise. Autrement il faudrait être disposé à passer plusieurs bills consécutifs. Une autre cause des maux des émigrants est le choix que l'on fait ordinairement des vaisseaux de dernière classe. Les trajets sont plus longs et les émigrés entassés dans l'espèce de cloaque où on les places (sic), croupissent dans la malpropreté, contractent des maladies et se déciment.¹³⁹ When it was known that a ship of the same tonnage, but superior class, would make the voyage (though starting at the same time as the other) in a period of two weeks less than the unfortunate emigrant ship, and this with the provisions run out, was it any wonder at the pestilence we were last year visited with at Grosse Isle.¹⁴⁰ Qu'on exige donc des vaisseaux d'une meilleure classe où les passagers seront mieux traités et qui n'apporteront pas avec eux la maladie, la souffrance et la peste. Il est à désirer que les capitaines soient informés des dispositions de la colonie dès le départ. C'est ici l'occasion de demander des informations là-dessus. Sait-on de l'autre côté de l'Atlantique les choses telles qu'elles sont? Sait-on que la quarantaine à la Grosse-Isle n'est presque plus habitable? Sait-on que la partie qui n'est pas couverte de morts en putréfaction n'est qu'un roc nu impossible à creuser?¹⁴¹ He had heard there was every probability of their being obliged to disinter the bodies (in the spring) buried there last year, as where they were buried there was hardly earth enough to cover them.¹⁴² S'il en est ainsi il faut donc se disposer à déplacer la quarantaine. La première fois que la quarantaine a été établie pour les fins de l'émigration, on a fait des explorations et on a cru que la Grosse-Isle seule était propre à ce but. Aujourd'hui pour trouver une station convenable il faudrait peut-être aller à 30 ou 40 lieues au delà de Québec. Dans ce cas quelles difficultés n'aurait-on pas à porter des secours alimentaires et médicaux aux malades détenus là. Et pourtant pour empêcher que Québec, Montréal, Toronto et Kingston ne soient infectés des fièvres pestilentiennes une station est nécessaire.¹⁴³ He thought the legislation respecting emigration should be left entirely to this country, and would alter the emigrant stations, and keep all entirely below Quebec.¹⁴⁴ Que tout cela soit bien considéré avant de passer des mesures, avant d'établir une loi, et que cette loi soit modelée sur celles d'Angleterre et des Etats-Unis.¹⁴⁵

MR. AT. GEN. BADGLEY--If ministers wait it will impede the object they have in view, and admit a class of emigrants destructive to the interests of the country. He defended the mode of introducing the Bill; entered into some

comparative statement of the emigration to the United States and Canada in answer to L.J. Papineau; agreed in favour of a capitation tax; and would make no distinction between wealthy and poor emigrants. With reference to the amount of tax--he would leave it entirely to the House. The Government suggests 10s.¹⁴⁶

The resolution was carried.¹⁴⁷

MR. AT. GEN. BADGLEY--moved a third resolution, to the effect that in cases where it would appear that any passenger was likely to become a charge upon the public, the captain of the vessel should be required to give security, to defray the expenses of such persons, for twelve months, which the captain might, however, contribute upon payment of a sum of 20s.¹⁴⁸ ((He)) proposed that an additional tax of 20s. should be levied on any child not being a member of any emigrating family on board, or lunatic, idiotte (sic), deaf and dumb, blind or infirm person, or any person above the age of 60 years, or any widow with a child or children, or any woman with a child or children, being without her husband, and on any such person or child as shall, in the opinion of a medical superintendant, be likely to become permanently, a public charge.¹⁴⁹

MR. H. BOULTON--complained of the resolution being rather indefinite¹⁵⁰, the persons for whom the master should give security should be more definitely described. To make them give security to provide for them for one year was absurd; they had no right to bring such persons here at all, and they ought to give security to provide for them during their natural lives--or as long as they live in the country. Why should deaf and dumb and insane people be sent here from Ireland? Why were we to be a receptacle for persons of that class, merely for the purpose of relieving the Irish landlords, who were the proper persons to relieve their own countrymen. He could not conceive any penalty too severe for owners of ships sending¹⁵¹ blind, deaf and dumb, and idiotic emigrants¹⁵² here (hear, hear.)¹⁵³ The emigration to this country was not to be compared to the emigration to the States; they had all the better class of emigrants, and more particularly those from the North of Europe, and thus a tax of 5s. was enough, but we must look to the class of emigration of last year, and remember that out of a 100,000 that came to these shores last year, at least 25,000 died, and he, therefore, moved that a tax of £10 a head be placed on all idiots and others likely to become a charge to the country.¹⁵⁴

DR. NELSON--could bear testimony as to the character of last year's emigration from personal experience¹⁵⁵. ((He)) could state...that the agents at home were in the habit of sending out old persons, cripples, and incurables, in order to get rid of the expense of providing for them. He had been in the habit, last year, of visiting¹⁵⁶ many of the vessels¹⁵⁷ ((at)) the wharves, morning and evening,¹⁵⁸ immediately on their arrival in this country, and he had been shocked at the situation of many of these people; he was shocked¹⁵⁹ and he was astonished at the number of infirm persons, and persons who were incapable of ever doing anything for themselves.¹⁶⁰ Persons whose situation it was impossible could have been altered by their being sent to another country; the state of destitution in which they were in, and the fate which had subsequently befallen them, some of them having been...found dead

in the streets, was dreadful.¹⁶¹ And it was not surprising that a great amount of sickness existed among the emigrants, when they considered the manner in which they had been sent over--without clothing--without the common necessities of life--yes, without the air of Heaven.¹⁶² The persons who could be so base, so desperately wicked as to send those poor people here merely for the purpose of getting rid of them,¹⁶³ not caring whether they ever reached our shores or not,¹⁶⁴ without minding whether they died on ship-board or on our shores, were guilty of an act worse than murder (hear, hear).¹⁶⁵ He knew something of the nature of the disease with which these poor people were afflicted, it was not a plague; not a pestilence; not an epidemic; nor a visitation of the King of kings; but brought on by the cruelty of men; who expelled their victims from the land of their birth, and sent them abroad to die in misery on our shores, and who were more guilty than many a wretch who had paid for his crimes by the forfeit of his life.¹⁶⁶ An unfortunate individual might, in self-defence, kill another, and perhaps his own life would be the forfeit, but here were great men,¹⁶⁷ merchants, and land-owners,¹⁶⁸ he had almost said Ministers of the Crown, sending these poor people here, never minding what might be the result (hear, hear). Numbers of confirmed idiots and lunatics had also come over, many of whom were in institutions in this country, and he thought, therefore, that we might really go to the utmost extent to protect ourselves from a similar incursion. (Hear, hear.)¹⁶⁹ He trusted that they would pass such a law as would punish, not be a fine of a few shillings, or even a few pounds, the unprincipled wretches who would dare to ship persons in the manner that was done last year; and he therefore hoped that the highest sum that was expedient would be inserted.¹⁷⁰ The hon. gentleman concluded by seconding the motion of the hon. member for Norfolk.¹⁷¹

MR. INSP. GEN. CAYLEY--said that where there was a large family, one of which was an idiot, or infirm that they would require as much for him as another, they would need to draw a distinction between such persons as were sent out with no persons to protect them, and where they came as one of a large family. He trusted that they would never have another year such as last, for there were more idiots and infirm persons arrived last year, than in the ten preceding years. He thought the measure proposed would give them every security.¹⁷²

MR. AT. GEN. SHERWOOD--quite agreed with the member from Richelieu, in objecting to an Immigration like that of last season, but he thought that the number of idiots and insane persons were not so great as stated; it was not at all likely that such persons would come out alone, they must have come out with their family.¹⁷³ ((He)) thought that the proprietors of the estates from which the greatest amount of misery came were the last that ought to ship such unfortunates, and agreed with the Dispatch of Lord Sydenham, that to cast destitute emigrants upon the Rock of Quebec was nothing but murder.¹⁷⁴ It was only upon a certificate from the medical officers that any person was likely to become a charge upon the public, that the security was to be required, and the amount charged, 20s., was as low as it possibly could be; they might increase it, but he thought as it was, it ought not to be reduced.¹⁷⁵

MR. AT. GEN. BADGLEY--thought the sum would be sufficient, in New York it was only 5s.¹⁷⁶

MR. H. BOULTON--(Norfolk),--but in the United States a much better class of

Emigrants arrived than here--there were large numbers of them Germans, who came well provided for, and for persons who were likely to become a permanent charge, it was a farce to put a tax upon of 20s. It was true that only 5s. was charged in the United States, but he had just shown that there was a difference in the class of emigrants arriving at the two places, and after what had taken place last year, he trusted that they would adopt the most stringent laws, which would not only embrace the deaf and dumb, the blind and the halt, but also orphans and widows with large families of 5 or 6 small children, who must become a charge upon the public. He thought 20s. far too little for the charge, and he would propose that instead of 20s. a sum of £10 should be paid, which would be little enough for their support.¹⁷⁷

COL. GUGY--rose and said that it was important that they should have a very good law, but he was desirous of directing the attention of the House to the immense difference between their legislating and the carrying into effect of their laws whatever they might be¹⁷⁸, in a proper and efficient manner.¹⁷⁹ He was desirous of reminding them that during the whole of last season their country had been an immense filtering stone through which all that was valuable in emigration had passed into the United States, leaving them nothing but the dregs, (hear, hear).¹⁸⁰ The emigration of last year caused ((diseases)) to be established throughout the country, ((which rendered)) Canada a pest house; and he would ((propose the)) carrying into effect of this Bill to those ((ends. The)) destinies of this country are about to be ((attended to)).¹⁸¹ He would ... direct the attention of the House to the necessity of making some provision for making the Grosse Isle establishment more efficient than it had hitherto been¹⁸², if they wished to prevent a recurrence of the miseries of last year.¹⁸³ It had been so inefficient that¹⁸⁴ large numbers of the emigrants were allowed to leave Grosse Isle last year previous to their being properly cured, and suffered relapse on their way up; and by this means¹⁸⁵ the country had become a series of Lazarettos from one end to the other¹⁸⁶, ((including)) Montreal, Kingston, and Toronto¹⁸⁷, and all this because of the incapacity of those to who had been entrusted the most important of our establishments. If they legislated on this matter, let them confide the execution of their laws to men of discretion and firmness who would be determined to maintain them--to men who would be moved by no mistaken sense of humanity--to men competent to cope with the avidity of commerce. With these views he submitted to those to whom the destinies of the country were committed this day, and to those who might have the power¹⁸⁸ to-morrow or hereafter¹⁸⁹, the importance of selecting a minister who would be moved by no consideration, and who would carry into effect the laws. But how were we to influence¹⁹⁰ the ((agents)) and¹⁹¹ landlords of Great Britain and Ireland? What power had we to influence them?¹⁹² They will stigmatize you as a "Little Pedlington Parliament".¹⁹³ We were powerless as to them, but the moment the emigration approached our shores, we were competent to cope with it.¹⁹⁴ Place your establishment at Grosse Isle¹⁹⁵ upon a proper footing¹⁹⁶, make one great and efficient Emigrant Station,¹⁹⁷ select a chief, if you can find one, and erect a competent tribunal,¹⁹⁸ whether of one, or three ... to manage it, give them large powers, and upon their heads let the¹⁹⁹ whole²⁰⁰ responsibility rest; and from the instant that that course was adopted,²⁰¹ disease will cease to walk abroad, and this country will no longer be submerged with the offscourings of Europe²⁰². We should have at least the means of protecting the

resident population from those whom distress drives to our shores. He had been induced to make these remarks because he was afraid the Hon. Gentlemen would protect themselves with bare legislation on this subject, and it was his duty to call the attention of the House, and through it, of the whole world, to the palpable incapacity²⁰³ and mismanagement of the heads of the establishment at Grosse Isle²⁰⁴ who had been heretofore charged with the important duty of superintending the emigration to Canada.²⁰⁵

MR. ROBINSON--would like to know to whom the gentleman referred, he supposed he referred to Dr. Douglas.²⁰⁶

MR. ROBINSON--to Col. Gagy.--Did you allude to Dr. Douglas?²⁰⁷

COL. GAGY-- ... Certainly.²⁰⁸

MR. ROBINSON--thought that Dr. Douglas had done all that was in his power, and,²⁰⁹ thought it very unfair of the hon. gentleman to make a sweeping charge of incapacity ... unless he had some specific charge to bring against him.²¹⁰ The hon. member warmly defended Dr. Douglas²¹¹.

MR. AT. GEN. BADGLEY--((defended Dr. Douglas)).²¹² The conduct of the individual who had the superintendence of that establishment has nothing to do with the resolution now on the table.²¹³ ((He)) thought the sum might be modified. If 20s. was too little £10 was too much, but he thought that a tax of 20s. would be enough to cover all expenses, and there was no use in levying more than was sufficient for that purpose.²¹⁴

DR. NELSON--((defended Dr. Douglas.))²¹⁵

COL. GAGY--explained that in feeling it his duty to allude to Dr. Douglas, he had not made use of the name of that gentleman till pressed to it by the hon. member for Simcoe.²¹⁶ ((He)) would never be prepared to deny what duty compelled him to state; but he imputed no incapacity to Dr. Douglas in a professional sense. As to his qualifications, however, as a Superintendent at Grosse Isle, his opinion was different from that of the hon. member for Simcoe. Owing to his want of proper management, the whole country had become a Lazaretto. The Doctor might have been overworked; but still the charge he (Mr. G.) made was capable of being sustained.²¹⁷ He considered Dr. Douglas responsible for all the evils which emigration had inflicted on the country.²¹⁸ If the Doctor had not the necessary instruments to carry out the objects which all desired to attain, he was bound to resign. As he had not done so, but had continued to receive a large salary for fulfilling certain duties, the responsibility must rest on his head, if those duties were ill performed. He repudiated the idea of taking advantage of his position in that house to wound the feelings of any man; but with all possible respect to Dr. Douglas as a professional man, and with due respect with regard to other qualifications, he, still, could not refrain from stating that which his duty required him to state. It could not be the intention of the legislature that there should be more than one Lazaretto in the country. That Lazaretto should be at Grosse Isle; but instead of disease being confined to that place, it had been disseminated (sic) through the country.²¹⁹

MR. AYLWIN--said, it seemed to him a very simple thing to give the Captains of vessels the choice, either to a bond for £20, or to pay £10 down. Bonds were usually in double the amount of the sum secured, and, therefore, the

precise sum £10 was just that which ought to be secured by a bond for £20. He had himself made some remarks last session, which were certainly severe, relative to the conduct of Dr. Douglas in the management of the Quarantine Establishment. On farther consideration, however, and with opportunities attained as Chairman of the Committee appointed²²⁰ last year²²¹ to enquire into the subject, he felt that evidence had been brought up tending almost entirely to exculpate Dr. Douglas from the imputations under which he had lain. Since that, too, he had learnt that the Doctor's attention had been unwearied and indefatigable; so as to call for the approbation of every person who had visited the Island. The Doctor was known to be a gentleman of the very greatest medical knowledge, which was very rare. He had studied in England, Scotland, France, and in two Universities on this continent, and for his own part, he wished the country had more of such men. In saying that, however, he did not withdraw anything he had said last Session as to the fact, that a great deal of the distress which actually occurred ought to have been foreseen and provided for. He had himself, three or four months before this occurred, stated, at a public meeting, that there was reason to apprehend just what had taken place; and that the emigration officers ought to report upon the circumstances, for the information of the Executive. At the same time, in justice to those officers, as well as to the Government, it was only fair to state--almost in the words of the Lord Bishop of Quebec--that no human being could have anticipated the state of things which actually arose.²²²

MR. CHRISTIE--also bore testimony to the energy, disinterestedness, and talent, of Doctor Douglas. He could not help saying that the zeal of the hon. member for Sherbrooke had outrun his discretion. He had made, it was true, the reparation honourable; but even that had some tincture of disgrace in it. Doctor Douglas, forsooth, ought to have resigned--why, had he done so in time of danger, he would have acted like a coward!²²³

MR. INSP. GEN. CAYLEY--read a letter from Dr. Douglas, stating that it took five or six weeks before persons could be thoroughly assured that they were not affected by the emigrant disease. It would, therefore, have been quite impossible to prevent sick persons, in all cases, from leaving Grosse Isle.²²⁴

MR. WATTS--considered the remarks of the hon. member for Sherbrooke, perfectly unjustifiable. The hon. member did not pretend that he had ever seen that of which he spoke, and must, therefore, have spoken from hearsay and mere rumor.--The doctor--according to the hon. member--ought to have foreseen that there were to be fifteen thousand sick emigrants; the doctor was to provide other doctors--nurses, accommodation for all these persons! Why, so wild a charge was never made against the public man. He knew that Dr. Douglas had been indefatigable--that he had been on foot, during part of the season, twenty hours out of the twenty-four--that he had, when too sick to go on foot, been carried in his carriage--that he was now, if able to walk, only just risen from bed to which he had been confined by sickness a few weeks after his return from Grosse Isle. He ought to have resigned, however!--why, what would be the condition of the country, if the public officers always resigned when they found themselves in difficulty.²²⁵

MR. AT. GEN. BADGLEY--thought a great deal of conversation was going on which had little to do with the question; to which opinion the House seemed to assent most cordially.²²⁶

MR. MERRITT--held that a distinction should be drawn between indigent Emigrants, and those who were strong and healthy. If this Bill were passed with the blank filled up with £10,²²⁷ as proposed by hon. members opposite,²²⁸ he believed there would be no Emigrants at all arriving in the country. What ship-master in the world would become liable, not for one but for every one, of his passengers, for their expenses in passing through the country, and in maintaining themselves for a long time after their arrival?²²⁹ All a tax was required for was to maintain the poor for a certain time, and the great object was to prevent disease. Now who sends us these diseased emigrants? The landlords. The Hon. Attorney-General avers they cannot be approached. They can be approached.²³⁰ There was one way, and one way only, and that was the course adopted in New Brunswick, viz., to send these people back, and make the landlords pay the expenses²³¹. You may ask how? I answer by an address to the Home Government.²³² What could not be done by any legislation of that house ... might be done by sending a representation to the Imperial Government who would and could do it.²³³ By imposing a heavy tax on emigration you would destroy one great source of the prosperity of the country. Hundreds of thousands of healthy, careful, and industrious German emigrants would be with us next year. Will you turn them from your shores and send them to New York? Such suicidal policy was detestable.²³⁴ In the State of New York, the legislature had passed an Emigration Law, with a tax of \$1 per head;²³⁵ in the United States this was sufficient, it should be sufficient here. He would prevent disease by all means, but no farther would he go, not one step would he advance to prevent emigration.²³⁶ A very large emigration from Germany had passed through the country last year with great advantages to the Province. Would they destroy that trade?²³⁷ Pass this Bill and the effects will be felt in the country for years.²³⁸

MR. AT. GEN. SHERWOOD--said, the object of passing the Bill at once, was that it might be sent home by the Mail of Friday.--The law did not, as the hon. member seemed to suppose, levy this tax on able-bodied men; but on the impotent and indigent, who were to be pointed out by the medical men, after having examined the passengers. He thought, however, that ten pounds was too high a sum to charge. Take the case of a widow with four children: it seemed to him that such a family was not an undesirable acquisition to the country, for people like that were required for many of the avocations of life.²³⁹ ((He)) believed that, acting in connection with the authority at home, who intended altering the Passengers Act, we might in future expect a healthy and useful Emigration.²⁴⁰

MR. W. BOULTON--was opposed to so high a tax as £10; at the same time he thought that 10s. was too small a charge, and that the charge should be at least £5, for it must be borne in mind that this would be only imposed when the medical officers reported that the parties were likely to become chargeable to the Province. He did not think that a widow with four small children would be a desirable acquisition to the country. What was wanted was an emigration, not of small children, but of small farmers, respectable and able-bodied, and they could only be had by rejecting such an emigration as that of last year. Half a dozen years like the last would prevent every respectable person from ever coming to the country. It must be borne in mind that the emigration to New York was of a character entirely different from that which came to Quebec.

There the vessels were of a very superior class, and the emigration was kept respectable from the high charges for passage. He doubted much if it had every happened that six or seven hundred diseased passengers had ever arrived in New York in one vessel.²⁴¹

MR. SOL. GEN. CAMERON--reminded the House, that the circumstances which induced the emigration of last year, and which made it of so inferior a description, were very peculiar--such as it might be expected would rarely occur. He thought therefore, that it would not be proper to legislate exclusively for a case, which there was reason to suppose was exceptional.²⁴² ((He)) said the Bill now introduced was only for two years, time enough, he hoped, to dispel all fear of such an emigration as last year, the reason of the difference in the emigration to this country was the cheapness of the passage; still he would not check the tide of emigration by such a tax as £10, as proposed by the hon. member for Norfolk.²⁴³ He hoped the House would not levy a tax which in the Mother Country would be looked upon as unjustifiable.²⁴⁴

MR. CHABOT-- ... spoke in French²⁴⁵. ((He)) was for the higher rate proposed by the hon. member for Norfolk. The reasons which had induced landlords to send out these wretched creatures before, might well be supposed likely to cause them to do the same thing again and again. And not only would this be the case from England and Ireland, but from all parts of Europe.--²⁴⁶ To his knowledge the subscriptions raised in this country to feed the starving Irish, were employed in many cases by the Committees in Ireland to burden us with the helpless, indigent, and idiotic²⁴⁷. Now, then, the Ministry proposed to guarantee the colony against loss by imposing a tax of twenty shillings a head on the impotent and helpless. The lame and blind, deaf, dumb, and lunatic were to be allowed to come to Canada paying 20s. per head, to maintain them without loss to the colony. What would be the consequence? Why it would go abroad to all the world that all their deaf, dumb, blind, and idiotic population might be got rid of and supported in Canada for a payment of 20s. each. The Province would be inundated with every species of indigence and helplessness.--(Cries of hear, hear.)²⁴⁸ Canada would continue to be as she had been, the hospital of America. We have not the pauper houses of the United States, and Heaven defend us from them; may the charities of the people of Canada always suffice for the support of its poor.²⁴⁹

MR. BALDWIN--considered the circumstances of last year as of an exceptional character, which were unlikely to occur again;²⁵⁰ ((he)) hoped that from the altered state of Ireland we were not to expect either the same amount or the same evils attendant upon emigration as last year²⁵¹. He doubted very much the propriety of any measure which would check, too absolutely, the stream of emigration. He thought the hon. member for Norfolk's motion went too far; and preferred to throw as much as possible of the responsibility of this measure on the Ministry of the day.²⁵² ((He)) moved that the blank be filled up with the sum of £5.²⁵³

SIR A. MACNAB--thought £5 even much too large a sum. He was sure that no measure which tended unnecessarily to obstruct the progress of emigration could ever be so popular with the people of Upper Canada. At any rate he did not know why more should be charged in Canada than in New York.²⁵⁴

MR. PAPINEAU--(in French) said the answer to this was that the emigrants who went to New York had to pay the shipowner a much larger sum for passage money, and thus the protection which the hon. member for Norfolk proposed to secure by this act, was secured there naturally and without Legislative interference--the great difficulty on this occasion arose from the fact that no inquiry had been made as a preliminary to the introduction of the Government measure and the excuse for that, was there was no time for previous inquiry. The true reason, however, why there was no time was that Ministers had delayed to call Parliament till they thought the time convenient for their own interest--because they had neglected the interest of the Country in order to secure for themselves a little longer life. The hon. member then again went over the horrors of emigration last year, which he said owed their origin to the bad institutions of the Country from whence they came where the landlords had reduced the people to poverty by dividing the land into a great many small holdings in order to secure votes to return themselves to Parliament.²⁵⁵

MR. INSP. GEN. CAYLEY--read a statement of the revenue from the emigrant tax, and the expenses caused to the Province by emigrants for several years; viz: 1845--25,000 emigrants paid £5,000 and cost £8,3000. 1846--32,000 emigrants paid 6,728£ ... and cost 10,000£; 1847--98,000 emigrants paid 19,000£ ... and cost 23,000£. The emigration for last year, at the increased tax of two dollars, as proposed in the bill, would have paid 49,000£.---It was evident, that as the statement showed the average cost per head to the Province, at about 7s.6d., the tax of two dollars would be amply sufficient.²⁵⁶ In ordinary years the tax on emigrants, which averaged 7s.3d.²⁵⁷ a head, had been found sufficient; and under the old law children were not taxed--under the proposed law they were; thus he thought that 10s., the amount proposed by Government to be levied on young and old, and the 20s. tax proposed by the Resolution now before the House, would be amply sufficient for the protection of the Province.²⁵⁸ Of course, it was not desired to raise any revenue for other objects from this source. It was very desirable that the bill should pass in such a shape as to secure the assent of the Imperial Government immediately after it reached home, and that could best be done by putting the tax at a reasonable rate.²⁵⁹ If the House, as some honorable members wished, were to pass a Bill imposing what the Home Government might think an outrageous tax, the Home Government would not consent to it, and we should have to fall back on the present law, which again would inundate us with a pauper emigration.²⁶⁰

An hon. member ((asked a question)).²⁶¹

MR. INSP. GEN. CAYLEY--said that the actual outlay in relief of immigrants during the present year, had amounted to £148,000; and that there were some considerable sums yet unpaid--say £10,000 or £12,000.²⁶²

MR. LAFONTAINE--(in French) thought that if there was any fear that this Bill would not pass in England, with the higher rate of tax, it would be desirable not to carry that high rate. Of that, the administration was better able to judge than the opposition, and he thought it best to leave the whole responsibility on their shoulders. He must say, however, that the Ministry ought not to have delayed this measure so long. They had been called on by their friends as well as their opponents, last session, to introduce some such measure;

but they had not done so.²⁶³ He would not compromise himself by voting for the Bill, but would allow it to pass on the responsibility of the Government.²⁶⁴

MR. AT. GEN. BADGLEY ((spoke)) some words in justification of the Ministry.²⁶⁵

MR. H. BOULTON--Said he would withdraw his amendment²⁶⁶.

DR. ROUSSEAU--declared in that case, he should take it up and press it to a division--only changing the words 10s to 5s.²⁶⁷

On division, the Ministerial proposition was carried by a considerable majority; most of the opposition voting with the Government.²⁶⁸

The other two resolutions, of which one related ... to a quarantine regulation, and the other limited the duration of the act to the end of the Session of Parliament, to be held next after the conclusion of the year 1849, were then carried without division²⁶⁹

(6)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Price reported that the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

MR. AYLWIN²⁷⁰--then rose for the purpose of bringing on the case of the Beauharnois election²⁷¹.

((He)) desisted at the suggestion of the Attorney General H. Sherwood²⁷².

Some little joking ((took place)) between Mr. Aylwin and the members of the Ministry, relative to the adjournment, which was desired, in order that hon. members might attend at some festivities, which were to take place some where or other--meaning at Monklands--²⁷³.

(6)

Orders

deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of the Honorable Mr. Attorney General Sherwood, seconded by Mr. Prince,

The House adjourned.

APPENDIX: 29 FEBRUARY 1848.

((NOTICE OF MOTION RE: USURY BILL.))²⁷⁴

MR. AT. GEN. SHERWOOD--gave notice that he would, on Monday next, move for leave to bring in a bill to repeal the Usury Laws of this Province. (Hear, hear.)²⁷⁵

((NOTICE OF QUESTION RE: A. B. PAPINEAU AND W. O. STEPHENS.))

MR. LAFONTAINE--donne avis qu'il demandera compte de la relation de l'exécutif avec A. B. Papineau et W. O. Stephens, écrs., de Terrebonne, afin d'avoir des informations sûres, tant du rôle que les ministres ont joué que celui des deux individus en question.²⁷⁶

FOOTNOTES: 29 FEBRUARY 1848.

1. A brief summary of the content of this petition is to be found in GLOBE, 8 March 1848.
2. The text of this petition is reproduced in GLOBE, 8 March 1848.
3. The debate on this motion was reported by: MONTREAL GAZETTE, 1 March 1848, and ST. CATHARINES JOURNAL, 9 March 1848, in identical accounts; PILOT, 2 March 1848, and EXAMINER, 8 March 1848, in identical accounts; LE JOURNAL DE QUEBEC, 4 March 1848, which noted the debate; GLOBE, 8 March 1848; and LA MINERVE, 2 March 1848.
4. PILOT, 2 March 1848.
5. GLOBE, 8 March 1848.
6. PILOT, 2 March 1848.
7. MONTREAL GAZETTE, 1 March 1848.
8. GLOBE, 8 March 1848.
9. PILOT, 2 March 1848.
10. GLOBE, 8 March 1848.
11. PILOT, 2 March 1848.
12. GLOBE, 8 March 1848.
13. PILOT, 2 March 1848.
14. GLOBE, 8 March 1848.
15. PILOT, 2 March 1848.
16. GLOBE, 8 March 1848.
17. MONTREAL GAZETTE, 1 March 1848.
18. PILOT, 2 March 1848.
19. The debate on this motion was reported by: MONTREAL GAZETTE, 3 March 1848; PRINCE EDWARD GAZETTE, 10 March 1848; EXAMINER, 8 March 1848; L'AVENIR, 4 March 1848; LE CANADIEN, 3 March 1848; PILOT, 2 March 1848; LA MINERVE, 2 March 1848, in whose account some speeches were original and others were taken from MONTREAL GAZETTE, and from the MONTREAL HERALD, MONTREAL GAZETTE, 1 March 1848, ST. CATHARINES JOURNAL, 9 March 1848, PACKET, 4 March 1848, and GLOBE, 8 March 1848, in accounts which are identical except that in the GLOBE some speeches have been omitted; MONTREAL HERALD, copied by HAMILTON SPECTATOR, 8 March 1848, by the BRITISH WHIG, 8 March 1848, and by the MORNING CHRONICLE, 6 March 1848, which omitted some speeches; MORNING CHRONICLE, 3 March 1848, GLOBE, 4 March 1848, and BRITISH COLONIST, 3 March 1848, in identical summarized accounts; and GLOBE, 1 March 1848, whose account was copied by HAMILTON SPECTATOR, 4 March 1848. Commentaries are contained in GLOBE, 8 March 1848; MONTREAL TRANSCRIPT, 2 March 1848; and MIRROR whose account was copied by ST. CATHARINES JOURNAL, 16 March 1848.
20. HAMILTON SPECTATOR, 8 March 1848.
21. GLOBE, 8 March 1848.
22. PILOT, 2 March 1848.
23. HAMILTON SPECTATOR, 8 March 1848.
24. IBID.
25. MONTREAL GAZETTE, 3 March 1848.
26. HAMILTON SPECTATOR, 8 March 1848.
27. PILOT, 2 March 1848.
28. HAMILTON SPECTATOR, 8 March 1848.
29. MONTREAL GAZETTE, 3 March 1848.
30. HAMILTON SPECTATOR, 8 March 1848. According to MONTREAL GAZETTE, 1

March 1848: "in half an hour".

31. MONTREAL GAZETTE, 1 March 1848.
32. PILOT, 2 March 1848.
33. IBID.
34. MONTREAL GAZETTE, 1 March 1848.
35. PILOT, 2 March 1848.
36. MONTREAL GAZETTE, 1 March 1848.
37. LA MINERVE, 2 March 1848.
38. PILOT, 2 March 1848.
39. MONTREAL GAZETTE, 1 March 1848.
40. HAMILTON SPECTATOR, 8 March 1848.
41. IBID.
42. PILOT, 2 March 1848.
43. HAMILTON SPECTATOR, 8 March 1848.
44. PILOT, 2 March 1848.
45. HAMILTON SPECTATOR, 8 March 1848.
46. PILOT, 2 March 1848.
47. HAMILTON SPECTATOR, 8 March 1848.
48. PILOT, 2 March 1848.
49. HAMILTON SPECTATOR, 8 March 1848.
50. PILOT, 2 March 1848.
51. HAMILTON SPECTATOR, 8 March 1848.
52. PILOT, 2 March 1848.
53. HAMILTON SPECTATOR, 8 March 1848.
54. MONTREAL GAZETTE, 1 March 1848.
55. HAMILTON SPECTATOR, 8 March 1848.
56. MONTREAL GAZETTE, 1 March 1848.
57. PILOT, 2 March 1848.
58. HAMILTON SPECTATOR, 8 March 1848.
59. MONTREAL GAZETTE, 1 March 1848.
60. HAMILTON SPECTATOR, 8 March 1848.
61. MONTREAL GAZETTE, 1 March 1848.
62. PILOT, 2 March 1848.
63. HAMILTON SPECTATOR, 8 March 1848.
64. MONTREAL GAZETTE, 1 March 1848.
65. IBID.
66. PILOT, 2 March 1848.
67. MONTREAL GAZETTE, 1 March 1848.
68. PILOT, 2 March 1848.
69. HAMILTON SPECTATOR, 8 March 1848.
70. MONTREAL GAZETTE, 1 March 1848.
71. PILOT, 2 March 1848.
72. MONTREAL GAZETTE, 1 March 1848.
73. PILOT, 2 March 1848.
74. HAMILTON SPECTATOR, 8 March 1848.
75. PILOT, 2 March 1848.
76. HAMILTON SPECTATOR, 8 March 1848.
77. PILOT, 2 March 1848.
78. MONTREAL GAZETTE, 1 March 1848.
79. HAMILTON SPECTATOR, 8 March 1848.
80. IBID.
81. IBID.

82. IBID.
83. MONTREAL GAZETTE, 3 March 1848.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. PILOT, 2 March 1848.
92. MONTREAL GAZETTE, 3 March 1848.
93. PILOT, 2 March 1848.
94. MONTREAL GAZETTE, 3 March 1848.
95. PILOT, 2 March 1848.
96. HAMILTON SPECTATOR, 8 March 1848.
97. IBID.
98. MONTREAL GAZETTE, 3 March 1848.
99. PILOT, 2 March 1848.
100. MONTREAL GAZETTE, 3 March 1848.
101. PILOT, 2 March 1848.
102. MONTREAL GAZETTE, 3 March 1848.
103. PILOT, 2 March 1848.
104. MONTREAL GAZETTE, 3 March 1848.
105. PILOT, 2 March 1848.
106. HAMILTON SPECTATOR, 8 March 1848.
107. PILOT, 2 March 1848.
108. HAMILTON SPECTATOR, 8 March 1848.
109. PILOT, 2 March 1848.
110. HAMILTON SPECTATOR, 8 March 1848.
111. PILOT, 2 March 1848.
112. HAMILTON SPECTATOR, 8 March 1848.
113. PILOT, 2 March 1848.
114. MONTREAL GAZETTE, 3 March 1848.
115. PILOT, 2 March 1848.
116. MONTREAL GAZETTE, 3 March 1848. HAMILTON SPECTATOR, 8 March 1848,
gave the figures as £15,000 and £18,000.
117. HAMILTON SPECTATOR, 8 March 1848.
118. PILOT, 2 March 1848.
119. MONTREAL GAZETTE, 3 March 1848.
120. IBID.
121. PILOT, 2 March 1848.
122. HAMILTON SPECTATOR, 8 March 1848.
123. PILOT, 2 March 1848.
124. HAMILTON SPECTATOR, 8 March 1848.
125. PILOT, 2 March 1848.
126. HAMILTON SPECTATOR, 8 March 1848.
127. PILOT, 2 March 1848.
128. IBID.
129. LA MINERVE, 2 March 1848.
130. MONTREAL GAZETTE, 3 March 1848.

131. LA MINERVE, 2 March 1848.
132. MONTREAL GAZETTE, 3 March 1848.
133. LA MINERVE, 2 March 1848.
134. MONTREAL GAZETTE, 3 March 1848.
135. LA MINERVE, 2 March 1848.
136. MONTREAL GAZETTE, 3 March 1848.
137. LA MINERVE, 2 March 1848.
138. MONTREAL GAZETTE, 3 March 1848.
139. LA MINERVE, 2 March 1848.
140. MONTREAL GAZETTE, 3 March 1848.
141. LA MINERVE, 2 March 1848.
142. MONTREAL GAZETTE, 3 March 1848.
143. LA MINERVE, 2 March 1848.
144. MONTREAL GAZETTE, 3 March 1848.
145. LA MINERVE, 2 March 1848.
146. MONTREAL GAZETTE, 3 March 1848.
147. IBID.
148. HAMILTON SPECTATOR, 8 March 1848.
149. MONTREAL GAZETTE, 3 March 1848.
150. HAMILTON SPECTATOR, 8 March 1848.
151. PILOT, 2 March 1848.
152. MONTREAL GAZETTE, 3 March 1848.
153. PILOT, 2 March 1848.
154. MONTREAL GAZETTE, 3 March 1848.
155. PILOT, 2 March 1848.
156. HAMILTON SPECTATOR, 8 March 1848.
157. PILOT, 2 March 1848.
158. HAMILTON SPECTATOR, 8 March 1848.
159. PILOT, 2 March 1848.
160. HAMILTON SPECTATOR, 8 March 1848.
161. PILOT, 2 March 1848.
162. HAMILTON SPECTATOR, 8 March 1848.
163. PILOT, 2 March 1848.
164. HAMILTON SPECTATOR, 8 March 1848.
165. PILOT, 2 March 1848.
166. MONTREAL GAZETTE, 3 March 1848.
167. PILOT, 2 March 1848.
168. MONTREAL GAZETTE, 3 March 1848.
169. PILOT, 2 March 1848.
170. HAMILTON SPECTATOR, 8 March 1848.
171. MONTREAL GAZETTE, 3 March 1848.
172. HAMILTON SPECTATOR, 8 March 1848.
173. IBID.
174. MONTREAL GAZETTE, 3 March 1848.
175. HAMILTON SPECTATOR, 8 March 1848.
176. IBID.
177. IBID.
178. PILOT, 2 March 1848.
179. HAMILTON SPECTATOR, 8 March 1848.
180. PILOT, 2 March 1848.
181. MONTREAL GAZETTE, 3 March 1848.

182. PILOT, 2 March 1848.
183. HAMILTON SPECTATOR, 8 March 1848.
184. PILOT, 2 March 1848.
185. HAMILTON SPECTATOR, 8 March 1848.
186. PILOT, 2 March 1848.
187. HAMILTON SPECTATOR, 8 March 1848.
188. PILOT, 2 March 1848.
189. HAMILTON SPECTATOR, 8 March 1848.
190. PILOT, 2 March 1848.
191. MONTREAL GAZETTE, 3 March 1848.
192. PILOT, 2 March 1848.
193. MONTREAL GAZETTE, 3 March 1848.
194. PILOT, 2 March 1848.
195. MONTREAL GAZETTE, 3 March 1848.
196. PILOT, 2 March 1848.
197. HAMILTON SPECTATOR, 8 March 1848.
198. MONTREAL GAZETTE, 3 March 1848.
199. PILOT, 2 March 1848.
200. HAMILTON SPECTATOR, 8 March 1848.
201. PILOT, 2 March 1848.
202. MONTREAL GAZETTE, 3 March 1848.
203. PILOT, 2 March 1848.
204. MONTREAL GAZETTE, 3 March 1848.
205. PILOT, 2 March 1848.
206. HAMILTON SPECTATOR, 8 March 1848.
207. MONTREAL GAZETTE, 3 March 1848.
208. PILOT, 2 March 1848, which noted that Gagy spoke "with great emphasis, the question having been twice repeated".
209. HAMILTON SPECTATOR, 8 March 1848.
210. PILOT, 2 March 1848.
211. MONTREAL GAZETTE, 3 March 1848.
212. IBID.
213. PILOT, 2 March 1848.
214. HAMILTON SPECTATOR, 8 March 1848.
215. MONTREAL GAZETTE, 3 March 1848.
216. PILOT, 2 March 1848.
217. HAMILTON SPECTATOR, 8 March 1848.
218. MONTREAL GAZETTE, 3 March 1848.
219. HAMILTON SPECTATOR, 8 March 1848.
220. IBID.
221. MONTREAL GAZETTE, 3 March 1848.
222. HAMILTON SPECTATOR, 8 March 1848.
223. IBID.
224. IBID.
225. IBID.
226. MONTREAL GAZETTE, 3 March 1848.
227. HAMILTON SPECTATOR, 8 March 1848.
228. MONTREAL GAZETTE, 3 March 1848.
229. HAMILTON SPECTATOR, 8 March 1848.
230. MONTREAL GAZETTE, 3 March 1848.

231. HAMILTON SPECTATOR, 8 March 1848.
232. MONTREAL GAZETTE, 3 March 1848.
233. HAMILTON SPECTATOR, 8 March 1848.
234. MONTREAL GAZETTE, 3 March 1848.
235. HAMILTON SPECTATOR, 8 March 1848.
236. MONTREAL GAZETTE, 3 March 1848.
237. HAMILTON SPECTATOR, 8 March 1848.
238. MONTREAL GAZETTE, 3 March 1848.
239. HAMILTON SPECTATOR, 8 March 1848.
240. MONTREAL GAZETTE, 3 March 1848.
241. HAMILTON SPECTATOR, 8 March 1848, which wrongly identified this speaker as H. J. Boulton.
242. HAMILTON SPECTATOR, 8 March 1848.
243. MONTREAL GAZETTE, 3 March 1848.
244. HAMILTON SPECTATOR, 8 March 1848.
245. MONTREAL GAZETTE, 3 March 1848.
246. HAMILTON SPECTATOR, 8 March 1848.
247. MONTREAL GAZETTE, 3 March 1848.
248. HAMILTON SPECTATOR, 8 March 1848.
249. MONTREAL GAZETTE, 3 March 1848.
250. HAMILTON SPECTATOR, 8 March 1848.
251. MONTREAL GAZETTE, 3 March 1848.
252. HAMILTON SPECTATOR, 8 March 1848.
253. MONTREAL GAZETTE, 3 March 1848.
254. HAMILTON SPECTATOR, 8 March 1848.
255. IBID.
256. IBID.
257. IBID., which gave the figure as 7s. 6d.
258. MONTREAL GAZETTE, 3 March 1848.
259. HAMILTON SPECTATOR, 8 March 1848.
260. MONTREAL GAZETTE, 3 March 1848.
261. HAMILTON SPECTATOR, 8 March 1848.
262. IBID.
263. IBID.
264. MONTREAL GAZETTE, 3 March 1848.
265. HAMILTON SPECTATOR, 8 March 1848.
266. IBID.
267. IBID.
268. IBID.
269. IBID.
270. This matter was reported by: PILOT, 2 March 1848; and HAMILTON SPECTATOR, 8 March 1848, and BRITISH WHIG, 8 March 1848, in identical accounts.
271. PILOT, 2 March 1848.
272. IBID.
273. HAMILTON SPECTATOR, 8 March 1848.
274. According to PILOT, 2 March 1848, the adjournment occurred "at a quarter before eight o'clock."
275. This notice was reported in: MONTREAL GAZETTE, 6 March 1848, HAMILTON SPECTATOR, 8 March 1848, and L'AVENIR, 4 March 1848, in accounts abbreviated but otherwise identical to those of PILOT,

2 March 1848, and the EXAMINER, 8 March 1848.
276. LA MINERVE, 2 March 1848.

WEDNESDAY, 1 MARCH 1848.

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Stormont
Election.

MR. Speaker acquainted the House, that Alphonso Wells and Donald M'Donald (Roy,) Esquires, had entered into the usual Recognizance required by law, on the subject matter of the Contested Election for the County of Stormont.

Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Price,--The Petition of Charles Berczy and others, of the City of Toronto; and the Petition of Roger B. Conger, Esquire, and others, Electors of the County of Prince Edward.

By Mr. Watts,--The Petition of the Reverend Louis T. Fortier and others, of the Township of Bulstrode.

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By Mr. Duchesnay,--The Petition of Archibald H. Young and others, of L'Ancienne Lorette, and other Parishes.

By Mr. Wetenhall,--The Petition of George Simley and others, of the County of Waterloo.

By the Honorable Mr. Daly,--The Petition of the Reverend J. B. Potvin and others, of Somerset, and other Townships.

By Mr. Sherwood of Brockville,--The Petition of Archibald Patrie, of the Township of Cumberland, in the County of Russell, Esquire.

Petitions
read.

Pursuant to the Order of the day, the following Petitions were read:--

Of William Caldwell and others, of Amherstburgh and other parts of the Western District; praying that the time allotted them for the payment of the fees due upon their lands may be prolonged; that those who have a claim thereto may be absolved from the payment of those fees; and that in all cases the said fees may be reduced.

Of Joseph Metsalabolet and others, Abenakis and Malécites of the Indian Village of Bécancour; praying for a grant of money out of the revenues of the Jesuits' Estates, for the support of a Missionary amongst them.

Of the Reverend Joseph Maurault, Missionary, and of the Chiefs and Warriors of the Abenakis Village of St. François du Lac St. Pierre; praying for a grant of money out of the revenues of the Jesuits' Estates, for the re-construction of a School House in the said Village.

Of the Reverend George L. Lemoine and others, of the Parish of Beauport and parts adjacent; representing that the Turnpike Trustees have interfered to prevent the use of the usual winter roads over the ice on the Basin of the River St. Charles, and on the River St. Lawrence; and praying that such measures may be adopted as will enable the inhabitants to use them as heretofore.

Of Laurent Tremblay and others, Pilots for and below the Harbour of Quebec; praying that three of their number may be appointed to represent them at the Trinity Board; that the number of Branch Pilots be diminish-

ed; that their compensation be increased; and that certain regulations be made respecting those who are detained at Quarantine, or who, in the discharge of their duties, may contract disease upon vessels.

Of William Patton and others, of St. Thomas and the adjoining Parishes; praying for a grant of money towards an establishment for the education of young girls in the Parish of St. Thomas.

Of the President and Directors of the New City Gas Company of Montreal; praying for certain amendments to their Act of Incorporation.

Of the Mayor, Alderman, and Citizens of the City of Montreal; praying for certain amendments to the Act 8 Vic. c. 59, establishing the Mayor's Court of the City of Montreal.

Of George O. Stuart, Esquire, and others, Directors of the Quebec Protestant Cemetery Association; praying for an Act of Incorporation.

Of Mrs. Eliza Taylor, on behalf of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum of Quebec; praying the usual aid in support of the said Institution.

Of William Black and others, of the Parish of St. Roch, in the City of Quebec; representing that they commenced re-building their houses destroyed by the fire of the 25th May, 1845, but have been unable to finish the same, not having received the promised Government Debentures, and praying relief.

Of James Motz, of the City of Quebec, Esquire, Advocate; praying that the Act 58 Geo. 3, c. 25, may be so modified as to secure him in the enjoyment of the Toll Bridge over the River Etchemin, and of the Tolls arising therefrom.

Of A. Gaudry and others, Proprietors and Masters of Ships, of the Ports of Quebec and Montreal; complaining of the burthen of certain dues and obligations imposed upon them and praying relief.

Of Antoine Polette, of the Town of Three Rivers, Esquire, setting forth:--That at the late General Election of Members to serve in the present Provincial Parliament, James Dickson, Esquire, was the Returning Officer duly appointed to proceed to the Election of a Member to serve for the Town of Three Rivers, and that the said Returning Officer gave due notice that he would commence and hold the said Election for the said Town on the twenty-ninth day of December last, in the accustomed place for holding such Elections: That the Petitioner is duly qualified by law to serve as a Member in the Legislative Assembly of this Province: That on the said day, and at the said place, two Candidates appeared for the Representation of the said Town, to wit: Pierre Benjamin Dumoulin, Esquire, of the said Town of Three Rivers, Advocate, and the Petitioner; and a Poll was required, and granted by the said Returning Officer; and that the third and fourth days of January then next, and now last past, were then and there appointed by the said Returning Officer for taking the said Poll, at the Market Hall for the said Town of Three Rivers: That on the third day of January last past, the said Returning Officer proceeded to hold or keep the Poll, and receive the votes of those who presented themselves thereat as Electors, and adjourned to the next day: That on the fourth day of the said month

of January, at the hour of nine of the clock in the forenoon; the said Returning Officer continued to hold the Poll, and receive the votes of those who presented themselves thereat as Electors; but that in consequence of violence exercised by the friends and supporters of the said Pierre Benjamin Dumoulin, who had by force expelled from the said Poll and place of Election the friends and supporters of the Petitioner, and taken and kept forcible possession of the Poll Booth, the said Returning Officer could not continue and terminate the said Election; and dreading personal injury to himself, was forced to discontinue the Poll, and close the Election without proclaiming either of the Candidates duly elected: That the Petitioner polled at the said Election one hundred and seventy votes, which formed the majority of good and legal votes as well as those taken and enregistered at the said Election, as those of all the inhabitants and others duly qualified to vote for the Election of a Member to serve the said Town of Three Rivers in the Legislative Assembly of this Province: That the said Pierre Benjamin Dumoulin, at the time of the said Election, and particularly on the said twenty-ninth day of December, and on the said third and fourth day of January last, held, and was in possession of, the several offices under the Crown in this Province, of Resident Agent for the sale of Public Lands in the County of St. Maurice, in the said Province, and of Agent for the sale of Timber Licences in the said County, and that notice thereof was publicly given: That being in possession of such offices as aforesaid, the said Pierre Benjamin Dumoulin, at the time of the said Election, was incapable of, and disqualified from, being elected or returned to be a Member of the Legislative Assembly of this Province: That the said Returning Officer, well knowing the premises, granted a Poll improperly and in error at the said Election, and was bound to proclaim and return the Petitioner as duly elected, being the sole Candidate at the said Election duly qualified by law; and that the Petitioner became, and was, and is entitled to sit and vote in the Legislative Assembly of this Province, as the Member

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representing the said Town of Three Rivers: and praying the consideration of the House in the premises, and that it be declared that the Petitioner was duly elected, and is entitled to sit and vote in this present Parliament, as Member representing the said Town of Three Rivers in the Legislative Assembly of this Province; and that the necessary orders to that effect be made both to the said Returning Officer, and the Clerk of the Crown in Chancery, as need may require, and that the House will further ordain and decree in the matter as to law and justice may appertain.

Of Lady Sophy Caldwell, and other Ladies, the Managers of the Male Orphan Asylum of Quebec in connexion with the Church of England; praying aid in support of the said Institution.

Of Lady E. Stuart, and other Ladies, the Committee of the Quebec Infant School; praying for the usual aid in support of the said Institution.

Of Joseph Donegani, of the City of Montreal, Merchant; praying for an Act to confirm his title to certain property which he inherited from his father, but of which his nephews have dispossessed him at law, on

the ground of his being an alien,--and that the titles of all persons in a similar situation may be quieted.

Huron Copper
Bay Company
Bill.

Ordered, That Mr. Prince have leave to bring in a Bill to incorporate "The Huron Copper Bay Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of the Honorable Mr. LaFontaine, seconded by Mr. Leslie,

A. B. Papi-
neau, Esquire.

Ordered, That the Entry in the Journals of this House, of the 30th June, 1847, containing an Address to His Excellency the Governor General, relative to André Benjamin Papineau, of the Parish of St. Martin, Esquire, be now read.

The said Entry was read accordingly.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, the Documents, copies of Documents, and information already asked for by an Address unanimously adopted by this House on the 30th day of June last, relative to André Benjamin Papineau, Esquire, of the Parish of St. Martin; and at the same time praying that His Excellency will be pleased to cause to be laid before this House: 1st.--All Petitions and complaints which, since the adoption of the said Address, have been presented to the Executive Government against the said André Benjamin Papineau, and by reason of his opposition to the Common School Act. 2nd.--The dates at which the said Petition and complaints were received in the Office of the Provincial Secretary, or in the Office of any other Officer of the Government to whom the said Petitions or complaints may have been addressed. 3rd.--The reference made of the said Petitions or complaints to the Attorney General for Lower Canada, or to any other Officer of the Government, and the date of such reference. 4th.--The Reports made on the said Petitions or complaints, either by the said Attorney General or any other Officer of the Government, or by the Executive Council, or by any Committee of the said Council, and the date of such Reports. 5th.--All letters or written communications addressed by His Excellency's order, and in consequence of such Petitions or complaints, to the said André Benjamin Papineau, and the answers of the latter to the said letters or communications; and among others, the Petition or letter of the said André Benjamin Papineau, which contains "the expression of Mr. Papineau's regret on the subject of his conduct with regard to the Education Act," as mentioned in a letter of Mr. Assistant Secretary Parent, written by order of His Excellency the Governor General, to the School Commissioners of the Parish of St. Martin, and dated the 11th November 1847. 6th.--The appointment of William Ermatinger, Esquire, to enquire into and report upon the conduct of the said André Benjamin Papineau, upon the subjects of complaints or grievances

mentioned in the said Address of the 30th of June last; with the date of the said appointment, and the instructions given in this behalf to the said W. Ermatinger. 7th.--The Report or Reports made by the said W. Ermatinger, with the evidence taken by him in the course of his enquiry. 8th.--All correspondence which has taken place between the Executive Government, the said André Benjamin Papineau, and the signers of the Petitions or complaints aforesaid; and of those mentioned in the said Address of the 30th June last, relative to the payment of the expenses of the said enquiry. 9th.--All correspondence which has taken place since the adoption of the said Address of the 30th June last, between the Attorney General for Lower Canada, or any other Officer of the Government, and the said André Benjamin Papineau, in his capacity of Justice of the Peace, or of Commissioner for the trial of Small Causes. 10th.--All correspondence which has taken place between the Government and W. O. Stephens, Esquire, of the Parish of St. Martin, relative to the said André Benjamin Papineau, and to the removal or resignation of the said W. O. Stephens as a Justice of the Peace.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Prince, seconded by Mr. Morrison,

Indian Affairs.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may be pleased to cause to be transmitted to this House, the following Documents relative to the Accounts of S. P. Jarvis, Esquire, late Chief Superintendent of Indian Affairs, which were omitted to be sent down in reply to the Address of the House of last Session, viz.:--Mr. Jarvis' official Bank Account with the Bank of Upper Canada; Statements Nos. 1, 2, 3, 4, 5, 6, 7, and Nos. A and B, referred to and contained in Mr. Jarvis' Letter to Captain Higginson of 4th October, 1844; the Bank of Upper Canada Debenture Account; the Manitoulin Pay Lists, with the stoppage lists thereunto attached; Mr. C. E. Anderson's private Report which accompanied his official Statement of 4th February, 1846; the correspondence shewing Mr. C. E. Anderson's appointment, and how he came to be employed to investigate Mr. Jarvis' Accounts; the correspondence relative to Mr. Anderson's memorial to Lord Elgin, of date 29th June, 1847; also, all and every correspondence that may have taken place between His Excellency and Mr. Jarvis, or any of the Accountants engaged in the matter, or any other party, relative to

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these Accounts, since the close of the last Session of Parliament,--embracing any Statements of Account or explanations that may have been offered since that period, by any party, relative to the matter in question.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the

Executive Council of this Province.

Norfolk Joint
Stock Compa-
nies Bill.

Ordered, That the Honorable Mr. Boulton have leave to bring in a Bill to authorize the formation of Joint Stock Companies in the County of Norfolk, for the construction of Plank or Macadamized Roads within the said County.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Land Survey-
ors Bill (L.C.)

Ordered, That Mr. Fournier have leave to bring in a Bill to repeal the Ordinance therein mentioned, and to make better provision respecting Land Surveyors and the admeasurement of Lands in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Emigration.

Mr. Price, from the Committee of the whole House to take into consideration the propriety of amending the Indigent Emigrants Act 4 and 5 Vic. c. 13, and of making further provision in respect of Emigration, reported several Resolutions, which were read, as follow:--

1. Resolved, That it is expedient to amend the Emigrant Act 4 and 5 Vic. c. 13, by increasing the rate or duty levied thereby; and to make other and further provisions in respect of Emigrants and Passengers embarked in ships or vessels arriving at any port in this Province.

2. Resolved, That instead of the rate or duty of five shillings, as levied under the said Act, it is expedient that there be levied and paid upon all Passengers or Emigrants, irrespective of age, embarked on board of such ships or vessels, the sum of ten shillings currency; and that, in addition thereto, the said rate shall be doubled for Passengers in ships arriving at any time between the tenth day of September, and the first day of October; and trebled for Passengers in ships arriving after the first day of October, in each year.

3. Resolved, That in cases where it shall appear probable that any Passenger may become chargeable upon the public, it is expedient that the master of the ship carrying such Passenger shall give security against any such charge; with power to commute such obligation by the payment of a sum of twenty shillings currency, for every such Passenger.

4. Resolved, That in addition to the foregoing rates, it is expedient that there be paid for every Passenger on board of ships detained in Quarantine beyond the period of three days, a further rate or duty proportioned to the time during which the said ship shall be so detained--such further rate to be two shillings and sixpence for each full period of three days.¹

MR. AT. GEN. BADGLEY--, seconded by *MR. INSP. GEN. Cayley*, moved the question of concurrence in the several clauses of the Emigration

Act.²

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The first and second Resolution, being read a second time, were agreed agreed to.

The third Resolution being read a second time.

DR. BOUTHILLIER-- , seconded by DR. ROUSSEAU, moved that £5 be inserted instead of 20s.³

MR. AT. GEN. BADGLEY--was certain the clause of £5 would jeopardize the Bill, as the Captain would, in all instances where he visibly could, charge £5 in addition to the ordinary rate, and thus effectually stop all emigration.⁴

MR. AYLWIN--said that reference had been made, the night before, to the tax in New York. Now he found that there, Captains had to give a bond to the extent of £50, that their passengers should not become chargeable. He did not wish to see that obligation imposed here; but the House was bound to pass laws to prevent the invasion of pest, and the reappearance of that Cholera, which has already twice ravaged this Colony.⁵ ((He)) strongly supported the tax of £5, and severely censured the Administration for pushing the Bill through in this hasty manner. They talked of responsibility. They talk of responsibility when it was well known they held their seats only by sufferance--when it was well known they did not possess the confidence of the House.⁶ If it were so necessary to pass a bill of this kind, why was not a bill introduced during the last session--⁷ or why did they not dissolve Parliament at an earlier period?⁸ Why, at least was not the Parliament summoned in November--or why the Parliament, when it was called, at last, only called for the 5th March? Why was the day finally fixed on, only an after thought?⁹ They were answerable to the country for the disgraceful conduct they had pursued; and, for himself,¹⁰ though he supposed the same effect would attend the present motion, as attended a similar motion the night before, he should still vote for the amendment of his hon. friend; because he felt it would relieve him hereafter from a great load of responsibility--a responsibility which the present Ministers seemed very ready to assume, and which was represented as very heavy; but which, in fact, amounted to nothing at all.¹¹

DR. LATERRIERE--...spoke in French¹². ((He)) said that Canada, last year, had been invaded by an army more destructive than any other which could be sent against it; and to prevent a similar invasion, he would vote not only for a £5 tax on these helpless persons, but even of £10 on each.¹³ He...discussed a variety of subjects, and travelled into China, and read a paper on the opium-trade¹⁴. Another crusade was now in preparation, which would be like another descent of Algonquins or Aberaquis on the settlers of yore; and bid fair to ruin the hapless natives of the country, who had to pay for their support, while they were themselves the subject of all sorts of speculations. He did not believe that England would incur the weighty responsibility of sending to Canada her wretched surplus population, if Canada only protested strongly against

it.¹⁵

DR. NELSON--would remind the House that last night he seconded the motion for £10, in the case of idiots and other unfortunate creatures, but feeling, as he did, that the Bill might be returned if the £5 clause was inserted, he felt inclined to vote against it, rather than risk the Bill.¹⁶ If all emigration were to be of the same character as that of last year, he would vote for any tax that would prevent it. But it was necessary to distinguish between infirm and idiots, who ought to be kept out of the country, and healthy, industrious persons who were of the greatest value to the community. If the Ministry could show that the imposition of the tax of £5, in the case proposed, would repress that class of emigration, or if they could show that it would be likely to endanger the passing of the bill at home, he would vote against the amendment.¹⁷ He had other reasons; he had no doubt that there would be less emigration this year than in the previous years.¹⁸ Il pensait que les capitaines de vaisseau ne les laisseraient pas encombrer comme l'année dernière. Ils en avaient eux-mêmes, ainsi que les armateurs, trop cruellement souffert;¹⁹ for ship owners had discovered they had lost money by their wholesale trade in human flesh,²⁰ ils avaient été justement punis de leur cupidité²¹, ((and)) their cruelty²², and had they been ruined, he, for one, would have rejoiced that such consequences should have followed their disgraceful traffic, besides, the debate in this House would go abroad and have a salutary effect.²³ Il espère de meilleures dispositions administratives et sanitaires qu'il n'y avait l'année précédente. Il entre dans des détails qui sont parvenus à sa connaissance personnelle dans l'exercice de sa profession.²⁴ The hon. gentleman concluded by saying, although he felt no tax against the halt, the lame, and the blind could be too great, yet, rather than risk the assent to the Bill by the Imperial Government, he felt compelled to vote against the amendment of the hon. member.²⁵

MR. CHAUVEAU--spoke in French--²⁶. ((Il)) dit que l'on a parlé de la responsabilité des ministres. Quelle responsabilité? La responsabilité des gens qui ne seront plus là demain. La responsabilité de faire une mauvaise loi de plus.²⁷ For his part he could not see how they would have to bear any responsibility, as how long could they, the present Government, hold their seats?²⁸ C'est la majorité de la chambre qui sera responsable et non pas les ministres. Il ne voterait point pour l'amendement s'il pouvait s'imaginer que cela pût faire perdre la mesure en Angleterre. Mais il ne faut point supposer tant de mauvais vouloir dans le gouvernement métropolitain. Il ne pouvait pas se fâcher de ce que nous refusions de recevoir les mendiants, les idiots, les aveugles, les sourds-muets et les infirmes de toute l'Irlande.²⁹ He could not for a moment think that the Imperial Government would refuse a Bill imposing a tax of £5 only on the idiots &c, and if such people were to be sent to this country how were they to be supported, there were no poor rates, nor was any county in Canada bound to support them³⁰. Il serait peu disposé à mettre une taxe prohibitive sur la partie saine de l'émigration; mais il pensait que pour celle qui faisait l'objet de l'amendement, les habitants du pays se trouvaient dans le cas de défense

personnelle. Il suggéra de substituer une taxe fixe de £2 à la commutation pour le cautionnement que l'on voulait élever à £5. Ce cautionnement est selon lui, parfaitement illusoire, puisqu'il n'y a point dans ce pays d'institutions municipales obligées de prendre soin des pauvres, comme le bill copié sur celui des Etats-Unis le suppose.³¹

MR. INSP. GEN. CAYLEY--looked on the question of responsibility just as the hon. member for the county of Quebec did. He supposed the majority of the House would, if they passed the bill, pass it upon the reasons given by the Ministry, believing those reasons to be sufficient. He did not fear that the present amendment, if carried, would endanger the bill.³²

MR. SOL. GEN. CAMERON--thought the Imperial Government would not take the responsibility of allowing a £5 tax to be levied.³³ ((He)) imagined that it was not intended to stop emigration altogether.³⁴ Was it the intention of hon. members opposite to exclude emigration, they could not take a more effectual method if it was. The taxes hon. gentlemen opposite wished to impose would entirely check all emigration, even the most healthy.³⁵ The tax mentioned in Lord Grey's Despatch, was 10s.; but the present proposition, if carried, would in many cases impose a tax as high as £7 10s. on certain individuals. Now that would certainly prevent captains from taking persons who might become chargeable to them to that amount. The hon. member for Quebec, was, he believed, misinformed with reference to the State of New York. There the captains were bound to pay a tax of one dollar for each passenger, and to give security in the amount of \$500, that the Emigrants should not become chargeable to the country; but from this last obligation they were entirely released by the payment of \$1.³⁶

MR. INSP. GEN. CAYLEY--said that on the class of emigrants in question, Earl Grey's Dispatch suggested a tax of 10s. Ministers had made it 20s., they had doubled it. He proposed to take the sense of the House.³⁷

MR. AT. GEN. SHERWOOD--could point out a case in which the proposed amendment would be very severely felt. Suppose a father embarking in a healthy state with a healthy wife and 4 children; suppose this husband was taken sick and should die on the voyage; in that case, each of these surviving parties³⁸, though young and healthy,³⁹ would be liable to the extent of £5. It was clear that this must check the course of emigration, by imposing so great a burden on the ship-owner. He wished that every subject of the British Empire could be allowed⁴⁰ to come to this country free, and without any capitation tax--he remembered when the 5s. tax was imposed,--it created a bad feeling, but the tax we were now imposing, we were obliged to impose in self-defence⁴¹. ((It)) was an act of necessity, and should be rendered effectual by its moderation, as well as its other good qualities. Now this amendment would certainly produce an unfavorable impression on the minds of all who desired to see an accession of healthy inhabitants to the Colony. It would also, he feared,⁴² create a bad feeling towards this country throughout England⁴³, alarm intending Emigrants, and prevent them from coming to the country.⁴⁴

(9)

Mr. Bouthillier moved, seconded by the Honorable Mr. Aylwin, and the Question being put, That the Resolution be now re-committed to a Committee of the whole House, with the view of increasing the sum of money therein mentioned, from twenty shillings to five pounds.

The House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Aylwin, Bouthillier, Cauchon, Chabot, Chauveau, Duchesnay, Dumas, Fortier, Fournier, Fourquin, Guillet, Laterrière, Laurin, Lemieux, Marquis, Papineau, Sauvageau, Scott of TWO MOUNTAINS, Taché.--(19.)

NAYS.

Messieurs Attorney General Badgley, Baldwin, Beaubien, Bell, Boulton of NORFOLK, Boulton of TORONTO, Brooks, Burritt, Carroll, Solicitor General Cameron, Cayley, Christie, Crusler, Davignon, Drummond, Egan, Flint, Gugy, Hall, Holmes, Jobin, Johnson, LaFontaine, Leslie, Lyon, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Farland, Merritt, Meyers, Mongenais, Morrison, Nelson, Notman, Price, Robinson, Scott of BYTOWN, Sherwood of BROCKVILLE, Attorney General Sherwood, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Thompson, Webster, Wetenhall, and Wilson.--(50.)

So it was passed in the Negative.

The third Resolution was then agreed to.

The fourth Resolution, being read a second time, was agreed to.

MR. AT. GEN. BADGLEY-- ... moved for leave to bring in the Bill.⁴⁵

(9)

Emigration
Bill.

Ordered, That the Honorable Mr. Attorney General Badgley have leave to bring in a Bill to make better provision with respect to Emigrants, and for defraying the expenses of supporting Indigent Emigrants, and for forwarding them to their place of destination, and to amend the Act therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time; and the Rules of the House suspended as to the same.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will, immediately, resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Wilson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Wilson reported that the Committee had gone through the Bill, and made Amendments thereunto.

Ordered, That the Report be now received; and the Rules of this House suspended as to the same.

Mr. Wilson reported the Bill accordingly; and the Amendments were read and agreed to.

Ordered, That the Bill, with the Amendments, be engrossed.

Beauharnois
Election.

*The Order of the day for the House in Committee on the Return and Poll Books for the last Election for the County of Beauharnois, being read;*⁴⁶

MR. AYLWIN--moved the House ((into Committee on the)) Beauharnois election.⁴⁷

Some discussion ((arose as to the)) propriety of this course in preference ((to that of another)) matter before the House.⁴⁸

MR. AYLWIN--((gained his)) point.⁴⁹

(9)

The House accordingly resolved itself into the said Committee.

Mr. Holmes took the Chair of the Committee;

MR. AYLWIN--rose to propose the first series of resolutions which he held in his hand, and in doing so, would state to the House the circumstances under which he called upon them to act. The committee was now in possession of the return and likewise of the poll-books in this case, which was one he believed unprecedented in the Parliamentary history of the country with which they had the satisfaction of being connected, although instances of the kind might have occurred in some of the more recently formed States of the American Union adjoining us; but even then he doubted whether a precedent of this kind could be found. The Returning Officer of the County of Beauharnois, by his return, stated to the House that he proceeded to an election for that County, that the election was completed, that he had appointed a day to receive the returns from his deputies. He had put upon the table of the House the poll-books of the different polling places, and he stated that ((there)) were two other poll-books which it was out of his power to put in the possession of the House, as by law he was bound to do, in consequence of this, that whilst in the process of transmission to him from the Deputy Returning Officer, the parties in whose custody they were, had been assailed upon the Queen's highway by ruffians unknown, and dispossessed by violence of these poll-books. That such an act should have been perpetrated in this Province, could not but be regretted by everyone who had any respect for British institutions. It was an outrage and indignity upon the country at large. (Hear, hear.) If this were a common robbery of an individual, it would be another thing; but here a whole County had been injured without any possibility of pecuniary recompense. It was an insult to the whole of Her Majesty's subjects in this Province (hear, hear)--an offence⁵⁰ not to be described. Committed by whom? Why, doubtless by some pitiful wretch⁵¹ who, if summoned to appear at the bar of the House, would be deemed unworthy of being punished in the way which his crime deserved--some base wretch, hired for low, paltry wages by some villain, who would employ such a man to do those acts which he was too cowardly to perpetrate himself. But because these acts could be perpetrated, was it to be supposed that the law of election would be violated⁵² with impunity⁵³? Could it be supposed that the County of Beauharnois election should result in nothing because of the villainy of these base and cowardly wretches who had planned this, and the villain who had executed it? Why, they

were as ignorant as they were cowardly and villainous. Did they imagine that the election could be set aside? Let them not imagine that the electors of the County of Beauharnois should be called upon to make the great pecuniary and other sacrifices of a second election--((Hear, hear.) Could the persons who perpetrated this be ignorant of the admission which the law gave to secondary evidence when evidence of a better description had been received by fraud or violence? (Hear, hear.) It was a matter of every day occurrence in common law;⁵⁴ and, if it be a matter of every day occurrence in private cases, should it not be in a public one?⁵⁵ And if so, should it be a matter of doubt when it concerned the proudest, the highest right of a great constituency?--(hear, hear,) a portion of the country which had a right to have a representative in this Assembly. (Hear, hear.) He wished it to be understood that it was the duty of this House--a duty which it owed to itself on the fact being brought to its notice, that the representation was incomplete, that the County of Beauharnois was without a representative, in consequence of a fraudulent or violent act--to strain every nerve to defeat the object of this fraud or violence, that the representation should be full and complete.-- (Hear, hear.) The very first principle of parliamentary law required that every nerve should be strained in order that the representation might be complete. There were cases of equality of votes, and double returns, when it became the duty of the House to select one man, because the representation must be completed, and they were decided by a sort of judicium resticum, like the tossing up of a half-penny; in short, the name which was nearest to the indenture in the writ was returned⁵⁶ and properly so⁵⁷, because it was imperatively necessary that no constituency should be deprived⁵⁸ for one moment⁵⁹ of the benefits which the constitution of the country seeks to confer on the country at large⁶⁰, when it was competent for this tribunal to right the wrong.⁶¹ This question, then, was not a question of public or private right; it was not a question of a controverted election either; there were no adverse claims here; there were not two men each of whom said that he was the representative of the County of Beauharnois. This was not a case of contested election; but with the facts now within the knowledge of the House, it was absolutely necessary that they should take up the matter and proceed upon it in order that justice might be done to the public at large.⁶² I know I should be told⁶³ by hon. gentlemen that⁶⁴ the course I pursue is open to objections.⁶⁵ Why, what course was not open to a number of objections? He was prepared to meet many objections; but could any hon. gentleman get up and tell him by what other methods they could cure the wound, the stab which had been inflicted on the House⁶⁶, the County and the Country⁶⁷ by the expulsion of one of the members of that body?⁶⁸ Every hour's delay is an injustice to Beauharnois, and through Beauharnois, to the country at large.⁶⁹ It was an assumption in some measure for eighty or eighty-one members to legislate when the law provided that eighty-four should be the number. A remedy must, then, be obtained; the remedy which the law gave to contested elections could not be applied here⁷⁰ because there was no contest--it must then be a kind of common law

remedy--⁷¹ a question of privilege--⁷² a remedy that every constituent Assembly must have to fill up its own body.⁷³ This question was not important to this Member or that Member, but to all Members. The existence of one is essential to all.⁷⁴ It was necessary that the purity--aye, the existence--of the House should be protected⁷⁵. At present that body was not complete; but if eighty-two members could sit and vote, so could eighty,⁷⁶ if evil-doers can prevent one Member from taking his lawful seat,⁷⁷ either by fraud or violence...((they can)) prevent any member...((or)) any constituency from being represented,⁷⁸ they may prevent twenty, or more than twenty, and thus awfully reduce the House to a bare quorum⁷⁹ necessary to carry on the business. He said, then, that it was absolutely necessary that the House, with the evidence it possessed before it, that the election for the County of Beauharnois was incomplete,⁸⁰ ((do)) complete its numbers and⁸¹ proceed at once to give the individual who had the largest number of votes his place in this House, until such time as it should be proved that the individual they had seated had no right to remain here. (Hear, hear.) In coming to the conclusion which he asked them to do, no injustice could be done, but the County of Beauharnois would be represented, and justice would be done to all parties. (Hear, hear.)⁸² Some hon. members, he doubted not, would desire to be guided by precedents; he anticipated this⁸³; he desired to be guided by precedents furnished by the journals of their own land--to look to cases which were in the knowledge of them all. He desired to follow strictly the parliamentary law of Canada, without any reference to the practice elsewhere, in order that there might be no confusion or uncertainty in a quarter where none ought to exist.⁸⁴ He knew that it would be endeavoured to refer to examples of controverted elections in another country.⁸⁵ He desired not to alter the Parliamentary Law of Canada, if it were at variance with the Parliamentary law elsewhere, so much the worse, but⁸⁶ he desired to adhere to the precedents of Canada, which all knew, and which ought to be followed, to prevent uncertainty where all should be certain.⁸⁷ He was prepared to abandon all other rules but those of the Canadian law.⁸⁸ He was bound to confess, as a student of Parliamentary history and a member of the legal profession, that quibbling had been introduced in cases of contested elections before the Parliament of Great Britain, which ought not to have been permitted in any court of justice. (Hear, hear.)⁸⁹ But, however that may be, those precedents and that practice are not applicable here; here we are not trying cases according to reports of this and that,⁹⁰ they were sitting now judicially, to a certain extent, in foro domestico, to complete their own organization, to see that the hiatus which existed among them should be done away with--that this vacancy, this gap, should be filled up.⁹¹ A distinction was drawn between this case and one to which he alluded in a former night. It was said that there was in this case a petition; but was it to be therefore said that no redress should be afforded where instead of one party complaining of another, one member sitting as a judge, called attention to a hiatus in the Court?⁹² The hon. member then quoted precedents from Canadian Parliamentary practice for the course he was pursuing, citing the cases of

the Counties of Kent, Hastings, Simcoe, and the case of the hon. member for Hamilton in the last Parliament. Objections had been taken to his mode of proceeding, on the ground that there ought to be a petition and that it should be referred to a committee. But⁹³ he was acting in conformance with a case in our first Parliament--he meant the Kent case which the hon. member for Hamilton conducted. There was no petition then nor is there one now. There was an objection to proceeding in Committee. Why?⁹⁴ What harm would be done--would it be said that a man who ought not to be admitted to the House would be brought in because the House was sitting in Committee, instead of with the Speaker in the Chair?⁹⁵ Was injustice likely to be done?⁹⁶ Does it not give opportunity for the greatest deliberation?⁹⁷ Would any man lose anything? Would injustice of any kind or description be perpetrated? No, those who deprecated celerity in this matter, and wished to have a longer delay, in order to search out dusty folios in that apartment (pointing towards the library), would have no reason to find fault with this mode of proceeding, as no injustice could be done in this case; although, by going into committee, they would obtain their object of delaying the decision of the question, which must first go through two distinct processes--first, in committee, and then⁹⁸ the House would sit after the Committee had reported, to adopt that report, and any amendment might be made in it.⁹⁹ If there was to be any quibbling and cavilling in this matter, let it not be done in those dark places down stairs; but let it be done here, in the broad day, when the people of the country were present, and could see what was done by their representatives. Let it not go forth to the country that the little quibblings and petty objections, which were despised in a common Court, were perpetrated by those who sit as judges in the legislature.¹⁰⁰ OR Are we to have cavils and quibbles? Let them not be made here in the broad day; let them be made in the black holes of the Committee rooms downstairs, by pettifogging lawyers, not by men who arrogate to themselves the title of Legislators. Such proceedings had disgraced the law--let them not disgrace us.¹⁰¹ He hoped there would be nothing of this sort. (Hear, hear.)¹⁰² I am prepared to hear many objections.¹⁰³ He was prepared...to hear it stated that the House could consider only the return, and not the papers annexed thereto. He was prepared to hear that those annexed papers were bad, because there were two oaths attached to them¹⁰⁴. The Deputy Returning Officer had sworn to the truth of his statements, and it has been objected that because he had done so, they are vitiated¹⁰⁵. Yes, he was prepared to hear that a thing which would have been very good before was rendered good for nothing by the attachment¹⁰⁶ of that oath.¹⁰⁷ Let this be urged by paltry Attorneys but not by any man who sits in this House as a Judge.¹⁰⁸ The House was now in possession of the facts of the case¹⁰⁹ ((which)) are that there is a large majority in favour of Mr. Jacob DeWitt--this appears on the face of the poll-books, which are entire, and affidavits that the destroyed poll-books gave the same result, and that, but for violence, Mr. DeWitt would have been the sitting Member. You have the best evidence of which the case is susceptible. What more do

you want? You have the affidavits of the men who, it is averred, should be examined at the Bar of the House. Would you more readily yield to the statements of these men if they were made at the Bar? No! To say so is Tomfoolery, all absurdity. It is now well and sufficiently proved that the seat for Beauharnois is vacant; that it is vacant by an act of fraud and violence; and who shall deny that the House is not competent to do justice to itself and the County of Beauharnois.¹¹⁰ He trusted they would do justice, not to Mr. De Witt alone, but to the whole country. He concluded by moving ((the following resolutions)).¹¹¹

1. Resolved, That it appears by the Return of the Returning Officer appointed to preside at the last election of a Member for the County of Beauharnois, and the Poll Books transmitted with the said Return, that at the close of the said Election, Jacob DeWitt, Esquire, one of the Candidates, had a majority of votes.

2. Resolved, That the said Jacob DeWitt, Esquire, ought to have been returned at the said Election as Knight Representative to serve for the County of Beauharnois, in this present Parliament.

3. Resolved, That the said Jacob DeWitt has a right to take his Seat in this House as Representative for the said County of Beauharnois; saving however to all Candidates and Electors their right of contesting the said Election if they think proper, in such a manner as may by law and justice appertain, and according to the usages of Parliament.

4. Resolved, That the Clerk of the Crown in Chancery do attend this House forthwith, and amend the Return of the said County of Beauharnois, by stating, that, at the said Election, the said Jacob DeWitt, Esquire, was duly elected to represent the said County of Beauharnois.

5. Resolved, That the Poll Books of the Township of Dundee and the Parish of St. Anicet, in the said County of Beauharnois, at the said Election, while in progress of transmission to the Returning Officer, were forcibly taken from the possession and custody of the Deputy Returning Officers for the said Township and Parish, by certain evil disposed and lawless persons unknown.

6. Resolved, That it is just and necessary to adopt means for the discovery, apprehension, and punishment of the said offenders.

7. Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may give such orders as in his wisdom he may think necessary in the premises.¹¹²

DR. NELSON--seconded the motion.¹¹³

SOL. GEN. CAMERON--thought that the hon. and learned gentleman who had introduced this resolution seemed to have felt certain that there must be something very objectionable in his course of proceeding¹¹⁴ when he found it necessary to enter into so long a preliminary argument.¹¹⁵ ((Mr. Aylwin)) would not have thought it necessary to deprecate all forms and legal proceedings; he must have felt that there was a difficulty in his way, though it might not be insurmountable, and that the proceedings which he had taken were not warranted by anything he could find in English precedents. (Hear, hear.)¹¹⁶ Tout de suite la

question, de savoir combien il peut montrer de cas en Angleterre où les livres de poll ont été déchirés, est venue se placer devant ((M. Cameron)). Ces cas sont aussi rares que les précédents pour guider les membres dans la décision qu'ils ont à donner.--117 For his own part he thought with the hon. gentleman that Mr. DeWitt ought to be the sitting member for the County of Beauharnois¹¹⁸, for it was clear he had an apparent majority¹¹⁹. (Loud cries of hear, hear.) He considered that this was not an occasion for party feeling, but he felt that there were some statements which the hon. member for Quebec had made in which he could not agree.¹²⁰ He did not agree with the hon. gentleman that the case of a double return afforded any precedent which justified the course which he proposed to follow.¹²¹ He thought there was no similarity between this case and these where there was a double return.¹²² There was, he believed, no instance of such a decision, as that which the hon. member spoke of, that a member should take his seat, because his name was nearest to the indenture on the writ. The fact was that the party whose name was nearest the indenture was only allowed to appear first by Counsel at the bar.¹²³ He would go back as far as 1661 and prove to the hon. member that resolutions had been passed annually since then in the British House of Commons, that in the case of a double return, that member whose name is first on the Writ, shall be the first to be heard at the Bar of the House while the Speaker is in the chair.¹²⁴ In looking into precedents he had found that so late as eight years ago no return having been made for Great Grimsby and Lincoln, the House of Commons ordered¹²⁵ the Returning Officers to the Bar of the House to say why no returns were made.¹²⁶ He quite agreed with the hon. gentleman that this was a case in which the House had power at once to go into the question and summon before it the Returning Officer to show why the election had not been made in obedience to the writ; this was quite in accordance with British precedents.¹²⁷ In reference to the Kent case, he could not agree with his honorable and learned friend, as the law was altered in 1842. The Precepts are required (with Returns on them), not the Poll Books; and as to all the talk of his learned friend, about legal quibbles, and pettifogging Attorneys, he thought we ought to be more particular than in any petty cases. The Returning Officer by the 4th clause is directed to return the Poll Books and Precepts to the Clerk of the Crown in Chancery; and all legal men know the first thing in a contested Election is to produce the Poll Books; and more elections have been upset in this particular than in any other. He could not imagine that by bringing the Poll Clerks to the Bar of this House, you could place Mr. DeWitt in his seat.¹²⁸ The hon. and learned gentleman concluded by an argument of great length against the validity, as evidence, of the affidavit appended to the return.¹²⁹ He trusted this House would so conduct this case as to make it a precedent.¹³⁰

COL. GUGY...((agreed with Sol. Gen. Cameron))...most heartily.¹³¹ As the subject under discussion had been a great deal talked about out of doors, he had a good opportunity of hearing something on the subject, and it did appear to him that Mr. DeWitt was as much entitled to his

seat as any Member of this House.¹³² ((He)) was quite disposed, after hearing what was said on both sides, to lose no more time, but to enable Mr. DeWitt to take his seat...as soon as these resolutions could be read, discussed and passed. (Hear, hear.) He arrived at this conclusion because he was convinced that there was abundant evidence to show that Mr. DeWitt had a majority of votes, and ought therefore to have been declared duly elected, as the Returning Officer was bound by the law to return the candidate who appeared to have the majority of the votes.¹³³ You have before you the special returns and affidavits asserting that Mr. DeWitt has a large majority and appended to the affidavits is a return sworn to by the Returning Officer, giving Mr. DeWitt a large majority in the Parishes not returned; you thus see that in the Parishes for which the Poll Books were destroyed, Mr. DeWitt had a majority, and in the other Parishes he had an overwhelming majority.¹³⁴ For his own part he thought ... ((this)) was quite sufficient evidence that Mr. DeWitt had the majority of votes; he thought the evidence quite sufficient, and he trusted that such would be eventually the decision of the House. (Hear, hear.)¹³⁵ In this case you have but one course to pursue either to allow one of the claimants to sit or grant a new Writ, and he thought this House ought to place itself in the situation of the Returning Officer, and elect the man that has the majority of votes.¹³⁶ Il n'entend pas que la chambre se soumette humblement aux décisions, ou aux volontés de la canaille armée qui défendait la cause du ministre aux dernières élections.¹³⁷ ((In view of the)) position in the "high Court of Parliament" ((which he had)) the honour to occupy, he must give his ((assent to)) Mr. Aylwin's motion.¹³⁸

MR. AT. GEN. SHERWOOD--greatly regretted the course his hon. and learned friend the member for Quebec, had pursued in bringing this question before a committee of the whole House; he would have wished that his hon. and learned friend had made this motion in the House, as it was highly desirable to maintain a course of proceedings analogous to English practice.¹³⁹ Les questions de privilège ne peuvent se décider qu'en chambre, l'orateur au fauteuil et non pas en comité; jamais en Angleterre on agit autrement. Si toutefois on lui montre des exemples du contraire, il est prêt à les admettre.¹⁴⁰ What precedent had the hon. gentleman followed? (Hear, hear.) If hon. members get up and strike out new precedents for themselves, what protection was there? (Ironical shouts of hear, hear.)¹⁴¹ It is true the hon. member for Quebec has a precedent in 1841, but the way in which election were carried out in that year by the Executive, caused most of the elections to be brought before the House, and ((he)) therefore thought, that could hardly be looked upon as a precedent.¹⁴² They must now however pursue the course they had taken, unless his hon. friend would consent to the committee rising, on the understanding that he was to take up this matter in the House. ("No, no.")¹⁴³ We were in error, and the sooner we returned to British precedents, that we spoke of so often¹⁴⁴ in questions of privileges¹⁴⁵, the better, and he would now wish to return to British practice.¹⁴⁶

No doubt you would, from Mr. Aylwin.¹⁴⁷

MR. AT. GEN. SHERWOOD ((continued:)) but as they were in the committee, he had no hesitation in saying that he was prepared to place Mr. DeWitt in the position which he ought to occupy, as member for Beauharnois. (Hear, hear.) He thought that under the circumstances the Returning Officer ought to have returned Mr. DeWitt (hear, hear,) but he felt called upon to oppose the departure from practice in England. (Hear, hear.)¹⁴⁸

MR. LAFONTAINE--addressed the House in French in favour of the motion.¹⁴⁹ The only reason the Sol. Gen. West, has for blaming his learned friend, is because we are acting without the Speaker in the Chair; he defied him to instance a case of election privileges in which the Speaker was in the Chair. He was astonished to hear his honble. and learned friend say the Returning Officer was not obliged to return the Precept but the Poll.¹⁵⁰

MR. SOL. GEN. CAMERON--here explained to his honble. and learned friend that when the Poll was sent, it was the Poll Books, not the Poll.¹⁵¹

MR. LAFONTAINE, the honble. Member for Sherbrooke took the right course and the Returning Officer ought on the day he rendered the return, have declared that Mr. DeWitt, the Member for Beauharnois. And he asked if there was a single Member of this House that did not blame the Returning Officer; no, he thought there was not. Oh, what an example of morality have we here, when despite the majority for Mr. DeWitt, his seat is withheld from him, and this House, was now bound to do its duty, and elect Mr. DeWitt.¹⁵²

MR. AT. GEN. BADGLEY--declared against voting with Mr. Aylwin.¹⁵³ ((He)) quite concurred in the view which had fallen from his hon. colleague, the Attorney General for Upper Canada, in reference to the mode in which the hon. member for Quebec had brought this matter forward. He thought that it was the duty of the Returning Officer in this case to have summed up the poll books that remained and to have made a special return from the parishes where the theft was effected, and it was the part of the House, by the Clerk in Chancery, to sum up the state of the poll and make the return to the House.¹⁵⁴ ((He)) admitted that the affidavits disappeared with the Poll Books.¹⁵⁵

MR. H. BOULTON--could have no doubt that it was the duty of the House and consistent with British practice, to direct the return to be made by the officers of the House. (Hear, hear.) After the election had actually taken place, and the votes been taken, there could be no doubt that the Returning Officer ought to have made a return, and as he had not done it, it was the duty of the House to do it. (Hear.)¹⁵⁶

MR. SHERWOOD, ((J. H.)) CAMERON, et SIR A. MACNAB ((parlent d'une)) erreur de jugement.¹⁵⁷

MR. BALDWIN--confessed that when the subject of the return was first presented to his mind he had great doubt how far it would be proper for the House to take it up and dispose of it as a matter of informal return to their writ made to the House by their officer. That was his great doubt, in the first instance as to the course pursued by his hon. and learned friend, but he now entirely concurred with his hon. and learned friends on both sides of the House, that the House could take up the question of the return, and proceed in a summary way¹⁵⁸, reserving at the same time rights of ((appeal)) against Mr. DeWitt on any ground that ((might become)) available to them.¹⁵⁹ In regard to the course of going into committee, he had said the day before yesterday, that he conceived it to be an irregular mode of disposing of a question of privilege.¹⁶⁰

Hear, hear from the ministerial benches.¹⁶¹

Had he, MR. BALDWIN, been in the House at the time he should have proposed that they should come to the question in the House itself (hear, hear;) but being in committee, they must enter into the discussion of the matter. The original difficulty being thus removed, and being satisfied that the House could take up this question and order the return to be amended, the next question was, had they facts before them upon which they could make this direction. The learned gentleman then went into an argument to shew that the affidavits of this amount of the poll in the parishes where the books were lost were proper evidence for the House to decide upon, and that the representation of the country should at once be completed.¹⁶² ((He)) would vote for the resolution.¹⁶³

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Holmes reported that the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That it appears by the Return of the Returning Officer appointed to preside at the last Election of a Member for the County of Beauharnois, and the Poll Books transmitted with the said Return, that,

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at the close of the said Election, Jacob DeWitt, one of the Candidates, had a majority of votes.

2. Resolved, That the said Jacob DeWitt, Esquire, ought to have been returned at the said Election as Knight Representative to serve for the County of Beauharnois, in this present Parliament.

3. Resolved, That the said Jacob DeWitt has a right to take his Seat in this House as Representative for the said County of Beauharnois; saving however to all Candidates and Electors their right of contesting the said Election if they think proper, in such manner as may by law and justice appertain, and according to the usages of Parliament.

4. Resolved, That the Clerk of the Crown in Chancery do attend this House forthwith, and amend the Return of the said County of Beauharnois, by stating, that, at the said Election, the said Jacob DeWitt, Esquire, was duly elected to represent the said County of Beauharnois.

5. Resolved, That the Poll Books for the Township of Dundee and the Parish of St. Anicet, in the said County of Beauharnois, at the said Election, while in progress of transmission to the Returning Officer, were forcibly taken from the possession and custody of the Deputy Returning Officers for the said Township and Parish, by certain evil disposed and lawless persons unknown.

6. Resolved, That it is just and necessary to adopt means for the discovery, apprehension, and punishment of the said offenders.

7. Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency may give such orders as in his wisdom he may think necessary in the premises.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the said Address and Resolutions be presented to His Excellency the Governor General, by such Members of this House as are of the Honorable the Executive Council of this Province.

The Clerk of the Crown in Chancery attended according to Order, and amended the Return for the County of Beauharnois.

Mr. DeWitt
takes his
seat.

seat in the House.164

Jacob DeWitt, Esquire, Member for the County of Beauharnois, having previously taken the oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his

MR. AYLWIN--said he rose to perform a duty which he felt incumbent upon him. He thought it right the House should mark their sense of the conduct of the Returning Officer for the County of Beauharnois¹⁶⁵. ((He)) was disposed to believe that the Returning Officer in this case was not willfully corrupt, but still there could be no doubt that he had been guilty of a gross violation of his duty¹⁶⁶. Not that he attributed guilt to him, had he considered him free from any blame but what might attach to an error of Judgment, may be even would not wish to hurt his feelings, but considered he should be publicly¹⁶⁷ and solemnly¹⁶⁸ informed of his error¹⁶⁹ and that thus a warning might be given to other Returning Officers to avoid a like course.¹⁷⁰

(10)

Beauharnois
Election.

The Honorable Mr. Aylwin moved, seconded by the Honorable Mr. Boulton, and the Question being put, That R. H. Norval, Esquire, Returning Officer at the late Election for the County of Beauharnois, be ordered to attend at the Bar of this House, at its sitting on Monday the sixth day of March instant.

SIR A. MACNAB--opposed the motion¹⁷¹. ((He)) desired to protect the privileges of Parliament, but still he did not think it right to summon individuals here unless there was some specific charge of misconduct against them. Now he had heard no charge against this Returning Officer.¹⁷²

MR. AYLWIN--was sorry that the hon. Knight had not given more consideration to this matter before he had made those observations. He thought that the fact of the Returning Officer having made a return which met with the disapprobation of the House, was in itself sufficient cause for summoning him here. His object in making this motion was not so much to visit him with punishment or cast any censure upon him, as to give greater solemnity to the judgment which the House had come to, to prevent a similar course of proceeding being followed in future by Returning Officers.¹⁷³

MR. AT. GEN. SHERWOOD--was astonished at such ((a course as was)) proposed.¹⁷⁴ ((He)) had gone with the hon. gentleman in the resolution for seating Mr. DeWitt, but he was not prepared to follow the extreme course which the hon. member for Quebec proposed. It was preposterous to summon a Returning Officer to the Bar for an error of judgment for the purpose of telling him that he had done wrong. Shew him a corrupt Returning Officer and he would call him to the Bar, and not admonish him but punish him. It seemed to him to be mere child's play. (Hear, hear.) To admonish a man for not having the same opinion as the House had, was a sort of admonishment he had never heard of before. (Hear, hear.)¹⁷⁵

MR. DRUMMOND--supported the motion. He ((wondered)) at the obtuseness of some hon. gentlemen ((in defending a)) Returning Officer who had positive proof ((that Mr. DeWitt)) had a large majority of votes, and yet in ((defiance of the facts)) tries to keep him out of his seat and ((asserts that)) he has done nothing wrong!¹⁷⁶ ((He)) would be sorry to give his vote to bring any judge before the Bar for a mere error of judgment, but he should also be sorry to refuse his vote to bring before this House any man who, being merely a minister of the law, and compelled to perform certain duties under certain circumstances, had made a return according to his own judgment, when the law said that he was to return the man who had the majority of votes.¹⁷⁷

MR. AT. GEN. SHERWOOD--What law is it?¹⁷⁸

MR. DRUMMOND--The election law said that the Returning Officer should declare duly elected and returned that candidate or those candidates who should have the majority of votes. (Hear, hear.) These were the very words of the law; he had no judicial functions to exercise; he was not called to exercise his judgment, he was bound to obey the letter of the law (hear, hear;) and that law was clearly expressed; there could be no mistake about it and they had evidence before them that the Returning Officer for Beauharnois had violated the law. The Returning Officers held in their hands the elections of the country. If the evidence before the House proved that Mr. Norval had not performed his duty, they were bound, from a regard to the best interests of the people, to bring him to the Bar of that House to answer for his acts.¹⁷⁹

MR. (AT. GEN. SHERWOOD--There is no law ((instructing the Returning)) Officer to return the candidate who has the ((majority)) of votes.

Show me such a law! (Great laughter at this announcement¹⁸⁰.)

MR. SOL. GEN. CAMERON--was seen whispering to his learned colleague his opinion¹⁸¹.

SIR A. MACNAB--thought it would have been better if the Returning Officer had returned the candidate who had the majority of votes. (hear, hear.) But really it did not appear from his return that there was anything corrupt in the return of the officer: he had heard nothing in the course of this debate against the Returning Officer, and under these circumstances he could not consent to the motion.¹⁸²

MR. H. BOULTON--would not punish the Returning Officer, but he would certainly have him admonished.¹⁸³

MR. MEYERS--was opposed to bringing a person before the House to be admonished, unless he had committed some offence.¹⁸⁴

Some time was taken up at this period of the debate by a very acrimonious personal discussion between MR. W. BOULTON, the Hon. H. BOULTON, and other gentlemen.¹⁸⁵

MR. W. BOULTON--made a ... speech against the motion.... He ((spoke)) about the Fourth Riding of York Election, and pronounced Mr. Arad Smalley "a person just as incapable of deciding on such a question as any man you could imagine." ... Mr. Boulton was showing at the time how absurd it was to expect sound decisions from such men as could be got for Returning Officers, in "Country Districts," and took Mr. Smalley as a sample of the kind of mortality (sic) you had to work upon.¹⁸⁶

MR. BALDWIN--said, that the attention of the House had been drawn away from the question before it, viz., the proposition for summoning the Returning Officer to the bar of this House. No one would pretend to say that he had not done wrong in this matter, in keeping the hon. member for Beauharnois out of his place from the commencement of the session down to the present moment. Undoubtedly he had done wrong. His hon. and learned friend, the member for Quebec, asked that he should be brought to that bar. If it was proposed that the Sergeant-at-Arms should bring him to this bar in custody, it would be a different thing; but the proposition was merely to bring him to the bar to give an explanation of his conduct. When these explanations were made, the course to be taken then was another question. If the conduct of the Returning Officers, in not performing their duty according to the express provisions of the House, was not taken notice of, they would be encouraging Returning Officers to deprive the people of this Province of their representatives. It was right that it should go forth that mistakes of this kind were not to be tolerated; so that Returning Officers might not know that they were not to trade with the rights of the people which they were certainly doing in neglecting to make a return. (Hear, hear.)¹⁸⁷

COL. GUGY¹⁸⁸--...said this discussion is a proof that no rectitude, no moral oath can save a man from the commission of official mistakes,

or at least from the most grave imputations. If my testimony, said the honourable gentleman, could save Mr. Norval, he should surely have been spared charges of which, from what I know of his character and conduct he cannot have been guilty. A man more mild, more calm, more just, a man more incapable of any deviation from principle, less disposed to corruption of any kind, does not exist, and yet the hon. member for Norfolk has ventured to stigmatize Mr. Norval as a dishonest man.¹⁸⁹

Here MR. BOULTON explained and retracted the most offensive sense in which his words were susceptible.¹⁹⁰

COL. GUGY ((continued:)) It seemed to me fitting that Mr. DeWitt should take his seat, but certainly there was nothing in the character or in the conduct of Mr. Norval on that occasion to justify the severity with which it was proposed to proceed against him. It would be of no use as an example, for, undoubtedly, the whole machinery by and through which elections were now conducted would be shortly changed as it deserved to be. It was not accurate to say that Mr. Norval was guilty, because as the hon. member for Quebec had phrased it, he had neglected to return that Mr. DeWitt had the majority of votes. It was, on the contrary, true that he had done so, else we had not been able to amend the return and admit Mr. DeWitt. What Mr. Norval had done was to hesitate at drawing the conclusion, and considering the difficulty that the House had met with in drawing that conclusion, surely Mr. Norval might well be excused. There was the hon. Member for the 4th Riding of York, (Mr. Baldwin), he, with all his proverbial harmony and consummate experience, had confessed that he had entertained doubt, and surely he would not punish the Returning Officer for entertaining such doubts also. Surely he would have bowels of compassion. Then there was the hon. Member for Norfolk, he, like him, (Col. Guky) had tasted persecution, surely he would not bind himself to the persecution of such a man as Mr. Norval, a man whose only offence was, if offence it be, that he had entertained doubts; doubts entertained by all law officers of the Crown as well as himself; doubts justified by the poverty of his situation, of the crime which had been committed by the abstraction of the poll-books, and by the long debates in this House before the doubts could be removed. Then there was the time and the expense. Before this quarrel could be settled, it would cost hundreds, perhaps thousands, of pounds, and occupy much of the public time. It would prevent the transaction of business; it would keep out of the House candidates who were entitled to a seat in it; it would be a waste of time and money to little purpose; it was unworthy to the dignity of the House to pursue this insignificant quarrel with a single man. Why bring him here unless to punish him? Why punish him for a mere error in judgment? and if it be not enough to punish him, why bring him to the Bar? On behalf of Mr. Norval he appealed to the generosity of the Assembly.¹⁹¹

MR. CAUCHON--moved that Col. Guky's speech be printed at the expense of the country.¹⁹²

AT. GEN. BADGLEY--said that the hon. member who had made this motion

had allowed that the Returning Officer was merely in error, and yet he wished to bring him to the bar of this House--a position in which he ought not to be placed, unless he was charged with some offence. He was charged with no offence, and he had acted to the best of his knowledge; he had performed his duty according to the dictates of his conscience. (Hear, hear.)¹⁹³ He thought Mr. Norval had acted wrong---but allowance must be made for the ignorance of persons not familiar with Law.¹⁹⁴

MR. AYLWIN---thought that it ill befitted a Minister of the Crown, who was one of those who appointed the officer, to give as a reason why he should not be brought to the bar of the House, the charitable supposition that he was ignorant and incapable of performing his duties--¹⁹⁵

Loud cries of "hear, hear," from the opposition.¹⁹⁶

It was unfortunate that the hon. gentleman had taken up the defence of the Returning Officer. (Hear, hear.)¹⁹⁷ ((He)) sharply reproved the Ministry for charging the unfitness of a man they had themselves appointed to the duties of his office, and attempting to screen him from an inquiry into his conduct. But there might be reasons why the hon. Attorney General East felt interested in promoting this Returning Officer. Ministers had been known to give opinions to Returning Officers ere now.¹⁹⁸ The Atty. General was of a roving disposition. (Hear, hear.) He was not content with the election in his own county, but, if report was true, he had given some intimation of his presence in the county of Beauharnois¹⁹⁹ and who could tell that Mr. Norval had not high authority for the course he took?²⁰⁰ The hon. gentleman thought it very hard that the Returning Officer was to be brought to the bar. Was he to be brought to the bar in vinculis? No: he was to be brought to the bar for purposes of justice, and when there, questions would be put to him; and if he was found to be deserving of censure, he would be punished. He (Mr. A.) had just heard within the last five minutes, that the hon. member for Beauharnois would put questions to him, which--if the answers were what he expected them to be--would implicate the Returning Officer, and render him liable to the severest punishment which the House could inflict. At all events he would only have to travel to the bar of this House from the County of Beauharnois--no very great distance--to give this explanation of his conduct; and if he were not guilty, and had acted only through ignorance, and misapprehension of his duty, why should he not have this opportunity of acknowledging it, and by so doing clear his character from all suspicion. And then the hon. member for Essex would probably move, as he had done on a previous occasion that his expenses should be paid. (Laughter.)²⁰¹

COL. PRINCE--The hon. member, in making this motion, had said that he imputed no bad motives to this individual. Then why bring him all the way from Beauharnois or wherever else he resided, to the bar of that House? Why persecute him? Not because he had intentionally done wrong, but because he was not perhaps the fittest man in the world to be in the office, and had committed one or two blunders. The hon. gentleman

spoke as if it was nothing to bring a man to that bar and expose him to the public gaze. For his own part, he (Col. Prince) would rather be fined £50--although modesty was not one of the attributes of the profession to which he belonged--than to be placed in that situation. (Laughter.) And if he was brought to that bar, and nothing was moved against him, the hon. member for Quebec might be sure that he (Col. Prince) should move that his expenses should be paid. (Hear, hear, hear.) He should always be the first to put down tyranny. (Ironical cheers.) What if the Returning Officer should refuse to come. Would the hon. gentleman advise the Speaker to oblige him to come? (Hear, hear.) If he (Col. Prince) were him, he would not come. (Loud laughter)202

DR. NELSON--addressed the House in French.203

COL. GUGY--thought it hardly fair that hon. members on that side of the House should be kept in ignorance. If there was any charge to be made against the Returning Officer--and, from what had fallen from the hon. member for Quebec, he understood that there was--they might be informed of the nature of those charges. (Hear, hear.)204

SOL. GEN. CAMERON--contended that it was contrary to the first principles of England that any individual should be placed in the position in which the hon. member for Quebec proposed to place this Returning Officer, namely, to put questions to him that would compel him to implicate himself. (Hear, hear.)205 He declared there never was such a case heard before, and...defied the members opposite to show a precedent.206 The learned gentleman--contended that the Returning Officer for Beauharnois had not acted improperly or violated his duty, and that this proposition was quite unprecedented.207

MR. BALDWIN--at once rose, and said he was quite astonished to hear such statements come from the learned Solicitor General. Precedents! There were plenty of them--lots of them, and exactly in point. Mr. Baldwin cited a number208.

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The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Aylwin, Baldwin, Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cauchon, Chabot, Chauveau, DeWitt, Davignon, Drummond, Duchesnay, Dumas, Flint, Fortier, Fournier, Fourquin, Guillet, Holmes, Jobin, LaFontaine, Laterrière, Laurin, Lemieux, Leslie, Macdonald of GLENGARRY, Marquis, Merritt, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Richards, Sawageau, Scott of BYTOWN, Smith of WENTWORTH, Thompson, Watts, Wetenhall, and Wilson.--(46.)

NAYS.

Messieurs Attorney General Badgley, Brooks, Solicitor General Cameron, Cayley, Christie, Crysler, Gugy, Hall, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Meyers, Prince, Robinson, Sherwood of BROCKVILLE, Attorney General Sherwood, Taché, and Webster.--(19.)

So it was resolved in the Affirmative.

Ordered, That R. H. Norval, Esquire, Returning Officer at the late Election for the County of Beauharnois, do attend at the Bar of this House, at its sitting on Monday the sixth day of March instant.

MR. NOTMAN²⁰⁹--desired to draw the attention of the House to the case of the Oxford election. He had given notice on a previous day for the production of the poll books, the writ, and the return. By reference to these, the House would see that gross injustice had been done to one of the candidates at that election; and he (Mr. N.) rose on behalf of that gentleman, and of the electors of that county, who had been grossly injured, to ask the protection of the House.²¹⁰

MR. AT. GEN. SHERWOOD--called the hon. gentleman to order. The other day, the hon. member for Quebec had brought forward the Beauharnois case; then the Three Rivers and Kent cases had been brought forward; and it was not treating the House fairly to bring up this case when another was expected by hon. gentlemen on this side of the House. He hoped, then that this matter would not be driven on at eleven o'clock at night when many members on that side had left the House, expecting another case to come up.²¹¹ The case of Three Rivers was understood by the House, to follow that of Beauharnois; and, Mr. Drummond had informed him he should not proceed with that today. The House was totally unprepared; and asked for an adjournment.²¹²

MR. DRUMMOND--had certainly said he should not proceed with the Three Rivers election; but had bound himself to nothing either.²¹³ He had merely moved for the return and poll books of the Three Rivers election.²¹⁴

MR. AT. GEN. SHERWOOD--This question might come up first thing tomorrow; but it was most unreasonable to commence a discussion, at midnight, which must occupy three or four hours at least. He did not desire to delay this question; but this was a very improper time to take it up.²¹⁵ He hoped the hon. member would postpone the question until to-morrow. (Cries of "No, no.")²¹⁶

An appeal ((was made)) to the chair.²¹⁷

MR. MORIN--was of the opinion that there was nothing to prevent this question from being taken up.²¹⁸ Mr. Notman was entitled to proceed, if he thought proper.²¹⁹

MR. NOTMAN²²⁰--was not surprised that an attempt had been made, on the part of hon. gentlemen on the other side of the House, to ask for an adjournment;²²¹ for when it was remembered it was the Government who appointed the Returning Officer, there may be persons, known only to themselves, which made them desirous to postpone the discussion;²²² he was quite prepared to see them throw every difficulty and obstacle in the way to keep out the gentleman who was justly entitled to take his seat in the House, as far as the evidence before the House showed. (Hear, hear.) Perhaps there might be some object in putting the matter off till to-morrow or the day after. Great and important questions were coming be-

fore the House, in which the hon. gentleman, who was the true member for Oxford, had a right to be heard; and it ought to be the desire and pleasure of the House to sit up till 3 o'clock in the morning, rather than 11 at night, to take up this matter and have it disposed of, in order to preserve their own dignity and protect the rights of those who had been grossly assailed. The County of Oxford had been now, in two Parliaments, grossly misrepresented through the daring misconduct of the Returning Officer, and the gentleman who was entitled to take a seat in this House for that County, had been prevented from taking it; and upon the present occasion another attempt had been made to throw him out. The House ought to purify itself, to take care that no man should, for a moment, sit in that House who could be considered as an intruder (loud cries of hear, hear;) but at once to go into this investigation, in which there ought to be no party feeling. (Loud cries of hear, hear.)²²³ He accused ministers of bribery and corruption, in the County of Oxford.²²⁴ They had been tauntingly told on this side of the House that they had might, and that might would be right; he should be the last who would ever admit such a monstrous doctrine (hear, hear)²²⁵ ((or)) put such a principle into practice²²⁶, and while he had the honour of a seat in this House, whether his friends were numerically strong or in a minority, he should always be anxious to maintain that purity which could alone sustain them in the public estimation. (hear, hear.)²²⁷ There had been times within his recollection when "Might was right;" when justice had not been done in that House. He hoped those times were forever past, now that ministers had been so strongly condemned by the tremendous verdict the country had delivered against them.²²⁸ He asked for nothing but justice; he asked for a fair investigation into this case, divested of all party feelings; he asked that the law of the land should be respected, that the facts which had been laid on the table should be fairly looked into; and that every honourable member in that House would adjucate (sic) fairly and impartially in this case. (Hear, hear.) By the poll books which were before the House it appeared that at the last election for the County of Oxford, the Hon. Francis Hincks had a majority of 365 votes over the gentleman who held the seat,²²⁹ and I would ask Mr. Peter Carroll, were he in his place, if he does not know this fact--and knowing it, if he has a right to the seat he now occupies, to the exclusion of a better man?²³⁰ He would ask that gentleman, if he was in his place, if he could tell him, as an honest man, by what authority, by what right, he occupied one of these chairs? (Hear, hear.) The hon. gentleman was not present, but he, (Mr. N.) believed that if he was he would have the honesty to say that he really did not know. (Hear, hear.) A great deal had been said tonight about Returning Officers, and one hon. gentleman had said that they fell into these errors because they did not know enough of the laws.²³¹ The real difficulty arose from these people pretending to know too much law.²³² These Returning Officers really pretended to know too much law, and ((they)) presumed to decide what the law was, when, had they been fair and honest men, they could have had no doubt as to the course which they ought to pursue.²³³ The duty of the Returning Officer was, properly, entirely of a ministerial character; he was bound to receive the returns--but the returns of what? He was

astonished to hear an hon. and learned gentleman say, (in discussing the Beauharnois Election,) that he was to receive the returns of the precepts and not of the poll-books; for he found it in the next clause the act to that referred (sic) to by the hon. gentleman, that the Returning Officer was to make a copy of the poll-books and return them to the House; and that the contents of those books should be taken as prima facie evidence of what they contained.²³⁴ The election law was clear as the sun at noon-day²³⁵ and requires no legal knowledge but such as every honest man possesses.²³⁶ It distinctly stated that it was the duty of the Returning Officer to hold the election, to appoint Deputy Returning Officers to make the return, in case of a poll being demanded, and then having summed up the poll-books, to declare elected, and return the person having the majority of votes. This was the duty of the Returning Officers; and if they would divest themselves of their assumed legal knowledge, and content themselves with abiding by the law,²³⁷ ((and not)) so readily accepting crooked interpretations--but giving a straight-forward meaning to the Act of Parliament, there would be less trouble and less consumption of time than now occurred in cases like that before the House.²³⁸ The unfortunate electors of Oxford complained on this occasion, that an officer appointed by the Government had gone in the face of²³⁹ law, fact²⁴⁰, right and justice, and returned as duly qualified and elected to sit in this House, a gentleman against whom the electors of that county had returned a verdict, and left him in a minority²⁴¹ of 345.²⁴² The Returning-officer had committed a gross blunder in making his return in accordance with the folly (sic) opinions of others.²⁴³ The House ought to correct this mistake; the House ought to do that which the Returning Officer had neglected to do.²⁴⁴ The candidate having the largest number of votes should have been returned. The question of qualification, having once taken a vote, the Returning-officer had nothing to do with. I desire, concluded the hon. member, that this House correct the error of the Returning-officer. I demand that the gentleman having the largest number of votes should have his seat.²⁴⁵ ((Mr. Notman's) motion reserved to the electors of the County and the sitting member the right of contesting the seat of the member who ought to have been returned; and to show that he did not desire to keep gentlemen from their beds at that late hour, he would proceed at once to move the first set of his resolutions.--²⁴⁶

(10)

Oxford
Election.

Mr. Notman moved to resolve, seconded by Mr. Wetenhall, That in obedience to a Writ of Election duly issued and returnable on the twenty-fourth day of January, in the present year, an Election was held for the County of Oxford, on the twenty-eighth day of December, 1847.

SIR A. MACNAB--was quite willing to admit that the Hon. Francis Hincks had a majority of votes, and that if there were no difficulty about his qualification he ought to have been returned,²⁴⁷ and he dared say would have been returned,²⁴⁸ (hear, hear); and he believed that if he had been present at the election, he would have been returned. But whatever might be the result of this contested election, when the case was

properly gone into he thought that the House would very soon regret it, if they proceeded in this matter as the hon. member for Middlesex desired them to do. (Hear, hear.) In contested elections where a return had been made, and where a member had taken his seat in that House, and notwithstanding whatever the hon. member had said to the contrary, Mr. Carroll²⁴⁹ must be considered a lawful member²⁵⁰ for Oxford till the contrary was shown to a competent tribunal, and that tribunal was not this House, but²⁵¹ a sworn election committee sitting under the provisions of the Grenville Act.²⁵² (Hear, hear.)²⁵³ Suppose a petition were presented to the House within the next fourteen days, he (Sir A. MacN.) did not question the right of the House to proceed after that time; but he said it could not proceed till that time had expired.²⁵⁴ He regretted that the hon. member had thought proper to take up this question at that late period: he thought that if he had proceeded to the matter to-morrow morning it would have been much better, that every hon. member might have an opportunity of expressing his views on so important a matter.²⁵⁵ If he stood alone on the floor of that House he would oppose it. It would be a great pity if it were proceeded with; and he should much regret it.²⁵⁶ It was no argument to tell them that the Returning Officer had misbehaved, and that the County of Oxford was disfranchised: the Returning Officer had returned a gentleman to this House, and²⁵⁷ the law pointed out the course to be adopted in all these cases²⁵⁸. They ought not, for the purpose of giving the Hon. Francis Hincks his seat a day or two sooner, to²⁵⁹ violate every rule of the House²⁶⁰ and take a course in this matter which could not afterwards stand as a precedent for the House. (Hear, hear.)²⁶¹ If the majority persisted in the course proposed by the hon. member, it would be anything but creditable.²⁶²

MR. PAPINEAU--²⁶³(in French) said that there could be no doubt, if the gentleman who had the majority of the votes at an election were not returned, the error amounted to a denial of justice to the majority of the electors. In this case the apparent right of the gentleman who had the majority was so evident that the House could have no difficulty in coming to a speedy decision. It was clear that the House taking on itself to do that, which the Returning Officer should have done, ought to declare the person with a majority of three hundred and forty-five, the member duly elected. Nothing could be more plain than that the Returning Officer had no right to decide on the qualification--at any rate after having taken the votes. He could not make such a decision even in the case of a single vote of one of the electors. The statute declared expressly that "no Returning Officer should have power to grant, or enter into any scrutiny on the validity of any vote which should be polled thereof." Once let the vote be entered, and the Returning Officer had no power, except to cast up the number and name the candidate who had the majority. If a contrary course was pursued--or if the House, now, should refuse to take the course proposed by the hon. member for Middlesex, the trouble of petitioning for an enquiry would be thrown on the majority. Why should the House thus make itself the participator in the injustice of the Returning Officer, by submitting the majority to this labour and expense? Why should the House engage itself in the trouble

that would necessarily follow from refusing to take the course proposed? If the gentleman who had the majority were seated, there would probably be an end to the business: if not it was certain that the discussion of that right would be followed by a contested election petition on the part of the majority. The injustice in this case was so extraordinary that it seemed necessary to seek its source in some higher quarter than the Returning Officer. He was probably not so much to blame as the person who had given him bad counsel, and had perhaps, promised him recompense--indemnity--promotion. The House ought not to believe every rumor against persons who might be innocent; but here these rumors were rendered probable by the absence of all apparent pretext or motive for the conduct of the Returning Officer. What was it to him whether the successful candidate were qualified or not? That was for the electors or for the successful candidate to complain of; he should have been impartial and indifferent.-- It was because he had substituted for the judgment of the House itself, which was the only proper Court, his own erroneous and partial judgment, that the House was obliged that day to regard the sitting member as an usurper. If the Returning Officer could say that Mr. Hincks or Mr. Carroll had not the proper qualification, he could also say that neither had it, and might call on some third party to take his seat because he considered it unfit for the County to be without a representative. The absurdity in that case would not be greater, nor the intrusion more striking than at present. It was clear that this misconduct on the part of returning officers was but too common. It was said that they committed errors--they might do so; but it should not be forgotten that error in a public functionary, was often worse than crime in a private individual. Ignorance therefore could never excuse public functionaries. If they were not aware of their duty, they should apply to good and impartial advisers; and if they chose bad ones, not only were the functionaries liable for punishment, but their advisers also. If those advisers were united with the Executive, if they were members of that House, there could be little difficulty about their chastisement. He believed the House should adopt the course proposed by the hon. member for Middlesex.²⁶⁴

MR. AT. GEN. SHERWOOD--was a good deal surprised that the hon. gentleman who had introduced this motion, considering his knowledge of the law was such as to enable him to come to a clear and decided opinion on the course which he ought to pursue,²⁶⁵ and thinking he would not be the man prepared to set new and bad examples²⁶⁶, should have adopted such a course. He (Mr. S.) was surprised that he would commit an open infringement of the law of the land. (Hear, hear.)²⁶⁷ ((He)) thought the present proceeding to be totally indefensible--totally against all law.²⁶⁸ He could not believe that his hon. friend, the member for the Fourth Riding of York, had ever been consulted on this matter²⁶⁹ or had given his opinion in favour of this course.²⁷⁰ He (Mr. S.) had perfect confidence in his judgment, and did not believe he would ever stand up and defend such a startling proposition. The hon. member who made this proposition to the House could not have looked into the practice of England in such cases.²⁷¹ Had he...((looked at the precedents) he would have

found not one, but several cases to show that whenever a gentleman was returned as a member for a constituency, the only legal method of contestation was before a Grenville Committee.²⁷² The hon. gentleman had done him injustice in saying that he desired to procrastinate this decision: when he could make so unfounded a charge, little confidence was to be placed in him. He believed that the hon. member felt that might would be right--that his party would exercise their power in the face of authorities clear as day. This was the principle on which he was acting, and this was the first indication of the manner in which it was the intention of the majority to act. (Hear, hear.)²⁷³ So the country in general said, and so he (Mr. S.) believed. It was in that way that the case of the Returning Officer for Beauharnois was decided; and in the same way in this case, a still greater oppression would be practised, unsupported by anything in Great Britain or this Colony.²⁷⁴ If the majority do it whether they have law or not, they must submit for a time; for the day would come when the country would express its opinion on such extraordinary proceedings.²⁷⁵ Let any lawyer in Upper Canada be asked how contested elections were to be decided, and he would say, without any hesitation, by a Grenville Committee.²⁷⁶ This was not a case of a special return: the Returning Officer here had returned an individual to this House, who, in his opinion, ought to hold the seat.²⁷⁷ In fact, the individual returned to that House held his seat and voted by as good a right as any man in it, till legally set aside.²⁷⁸ He (Mr. S.) was not going into the merits of the case--he was not going to prejudge a question which ought to be decided by another tribunal.²⁷⁹ He did not defend Mr. Carroll but protested against any hon. gentleman being turned out of his seat, excepting legally. Hon. members opposite, talked of justice, and marking out a course at once destructive and oppressive.²⁸⁰ An individual had taken his seat in this House and he would hold it until he was set aside; and how was he to be set aside? Had a single voter in the County of Oxford²⁸¹ or any other person²⁸² petitioned against him? Perhaps they were satisfied that Mr. Hincks was not qualified, and that Mr. Carroll was the man who ought to be seated. (Loud cries of hear, hear.) Who had led them to believe that they were dissatisfied with this return? Who had petitioned? Had the candidate whom they said ought to have the seat petitioned? No, there was no such thing; but they were endeavouring, in the exercise of their power, to set aside the Grenville Act, which presided in Upper Canada; and they proposed without any petition to turn a member out of that House and to put another in. Was there ever a proposition so unjust as the proposition now before the House, (hear, hear,) which proposed to set aside a tribunal which had been established in order to remove questions of this kind from the influence of a party feeling and transfer them to a tribunal elected by ballot, and acting under the solemnity of an oath? He was not prepared to enter into any other objections with reference to this election, because, notwithstanding what the hon. member for Middlesex had insinuated, he was not prepared to advocate any measure which would prevent Mr. Hincks from taking the seat which he was entitled to by law. He did not ask for the procrastination of this question, but he asked them to permit the elections of Upper Canada to be decided according to their laws--he asked them not to turn out of his seat an individual

who held his seat in as good tenure as they did, without giving him that tribunal which the law of his country and he should have--he asked them to deal with this question as every contested election must be dealt with, under the law--he asked them not (without evidence, complaint, or petition) to deal with this question in this unheard of manner, and to turn from his seat a member who had conducted himself with propriety, and whose character was unimpeachable (sic), without charge, without complaint, and without having any evidence. (Hear, hear.) Do not let this question be hastily decided.²⁸³ Let a petition be presented, and let that in due form be placed, not before the House, but before a committee, uninfluenced by the party feelings which too often swayed the action of the House--before that tribunal chosen by ballot, acting under the solemnity of an oath--and let that committee decide.²⁸⁴ Let a Grenville Committee be appointed...and let Mr. Carroll have an opportunity of appearing before that Committee--let evidence be taken, and if it was found that he was not deserving of his seat, let him be rejected by that Committee, whose decision must be final; but let them not do that which had never been done in the Province before, which no Legislature, however powerful, had attempted before. After this he should not be surprised if hon. gentlemen should vote that he should be turned out of his seat, and then say that he might petition the individual whom they chose to put in it.²⁸⁵ His hon. friend, the Solicitor General, would show many cases in England, which afforded examples exactly in point, amongst others, one where a member was returned, though he had the minority of votes; but where the House would not proceed, except by an election petition before a Grenville committee.²⁸⁶ When a special return had been made he had no objection to...((the)) course ((they were taking)); but when gentleman had been returned to this House, had sat amongst them, and voted with them (ironical cries of hear, hear), he must protest against turning him out without evidence or inquiry. Such a proceeding would, he was sure, before long meet with the disapprobation of the public at large.²⁸⁷ The Beauharnois case, just decided, came under an entirely different law--there, no member was returned. Here the two persons who disputed the rights to the seat had a right to their jury, that was to say, to a Grenville Committee. Of what use would it be for Mr. Carroll to petition, if the House prejudged his case--if it determined beforehand, that this returning officer had no right to put his construction on the statute, while Mr. Carroll's pretension was that he had that right?²⁸⁸ It was not his wish to screen Mr. Carroll from inquiry and investigation, but he was opposed to his being hurled from this House, by a mere vote of the House, contrary to an express statute on their statute book.²⁸⁹ The Three Rivers election would also be decided under a different law, because in Lower Canada, the Grenville Act did not prevail.²⁹⁰ Let them not depart from the course established--let them not establish a precedent which they had no authority for--let them give to this man the right which he had to be heard before a Committee, selected by ballot under the Grenville Act, and turn him not from the House--disturb not his seat until that Committee, whose decision would be final, should have decided that he had no right to it. (hear, hear.)²⁹¹ Pause then, continued the learned member, before you carry out the course you are pursuing. Of

course, the majority can do as they like, but they will commit injustice; create a want of confidence in the justice of the majority of this House, and evade the law of the land.²⁹² Let the representatives from Lower Canada, if they please, do what was now proposed--let them do it, whether against law or not. Their opponents must submit to it for a time; but the time would come, when such proceedings would meet with that indignant public reprobation which they deserved.²⁹³

COL. GUGY--said that there were occasions when right became duty; and on this occasion as it was his right to address the House, he thought it his duty to state the reason why he had come to a conclusion diametrically opposed to his hon. and learned friend who had just sat down. These were the facts--By the poll-books which were laid before the House by the proper officer, it appeared that there were three candidates, of two of whom it was only necessary to speak on the present occasion. The sitting member appeared to have had 300 votes less than the Hon. Francis Hincks, and the question for the House to decide was whether the Hon. Francis Hincks should be allowed to take his seat, he having a considerable majority over the sitting member, as it appeared from the poll-books, and from an explanatory letter written by the Returning Officer to the Clerk in Chancery, which letter was now before the House. In this letter he assigned a reason why he had thought fit to exercise a discretion which the law did not give him. (Hear, hear.) That was the point, and he would state to the House his reasons for arriving at the conclusion that Mr. Hincks should be allowed to take his seat--.²⁹⁴ The Returning Officer in his discretion had decided on the qualification of Mr. Hincks and returned Mr. Carroll.²⁹⁵ It was right, too, to revert to the circumstance that he gave his decision at a moment when it was utterly wrong to take any notice of the matter decided on.²⁹⁶ Here the Returning Officer assigned as a reason for not returning Mr. Hincks that his qualification was not good; but at that time the Returning Officer was not intrusted with anything savouring of a judicial office,²⁹⁷ ((he)) was merely exercising a ministerial not a judicial function,²⁹⁸ he was a mere calculating machine, bound by law to sum up the votes given for each candidate; and then, under an express provision of the Election law, 6th Victoria, 1st chapter, to declare duly elected that candidate who had the majority of votes, and it was only by a confusion of ideas²⁹⁹ that it is supposed at the present time that the question of qualification had to be considered at all.³⁰⁰ If, at any time, the Returning Officer could have taken on himself to decide such a question, it must have been before the contest began. He did in fact virtually decide before he began the polling, or he would not have begun at all, and having begun, it was no longer competent for him to revise his own decision. From the moment³⁰¹ the names of voters were registered³⁰² ((and)) the electors went to the polls,³⁰³ it was incontrovertible that the Returning Officer had assumed that the qualification was sufficient.³⁰⁴ From that position, he believed, he (Mr. G.) could not, be driven.³⁰⁵ From this position, no arguments, no sophistry, no precedents, could drive him.³⁰⁶ He pretended to no great legal lore--to none of that great, he might say unexampled knowledge of a certain learned gentleman who had read the British consti-

tution, and who kept it in his breeches pocket revised and corrected by the author--(laughter)--he pretended to no knowledge of that kind; but he did know something of the titles by which members of the British legislature held their seats, and he had no hesitation in saying that since the Union Act, they were not in the same position as members of the Provincial Legislature.³⁰⁷ No English precedent could apply to this case as no English candidates could be placed in the position of the sitting member for Oxford and the unsuccessful candidate. The principle upon which the question was to be decided was precisely that advanced by the hon. member for Quebec in bringing forward the Beauharnois case, and there could be no doubt that the House had³⁰⁸ a summary jurisdiction in cases like this under the 6th Vic. cap. 1st., passed long after the Grenville Act; and it was bound to exercise it³⁰⁹ promptly.--(Hear, hear.)³¹⁰ Laws relating to the same subject must be interpreted together, and he had always understood that the posterior law had some slight influence upon that which preceded it.--Under the Union Act then, he contended that the House had a jurisdiction concurrent with that which it exercised through a Grenville Committee. To deprive the House of it, would be to take away the dearest rights of the House and of the people, by a mere inference. Nor could he be persuaded that the right was at all affected by the circumstance, that two individuals were contesting the seat. He would give a very simple illustration of his idea as to this point. There were two gentlemen named Cameron, who stood for the same County, at the last election.--Suppose Mr. M. Cameron had had eight hundred votes, and the hon. Solicitor General, but five hundred. Suppose farther, that by mere accident the Clerk had returned the name of the gentleman who was in the minority. Would it not be the duty of the House to correct this manifest error. What could be the use of a Committee when there was no inquiry to be made. The Grenville Act was passed in order to provide a tribunal for the trial of certain cases brought under the notice of the House by petition, therefore while the House could no doubt decide against the present motion, it was just as certain that it could exercise the power of instantaneous decision, since the present case was not within the purview of the Grenville Act.³¹¹ This was not a case to be decided under the Grenville Act. The facts before the House were clear that Mr. Hincks was entitled to the seat--subject, however, to petition on the question of qualification. That was another question³¹². The House must do what the Returning Officer ought to have done. It is no defence to say the qualification was not sufficient; that had to be proved³¹³, but, for himself, he believed the qualification was sufficient. This was not a case that came within the Grenville Act. There was no petition--no complaints; but facts had been brought under the notice of the House, which proved that the Returning Officer for Oxford had stultified himself and deceived the House--that he had forgotten his arithmetic, and had been unwilling or unable to declare to the House that two and two make four on an equally simple question; and the question now was, would the House allow that decision, and stultify itself also? He cast no reflection upon Mr. Carroll or the Returning Officer; in his view, Mr. Carroll had no right to his seat, and Mr. Hincks had been excluded by a gross mistake or miscalculation of the Returning Officer, and the House

ought not to refuse to decide this matter summarily, and give him his seat. (Hear, hear.)³¹⁴

MR. CHRISTIE--replied to Col. Gagy.³¹⁵ ((He)) opposed the resolution; opposed Col. Gagy's interpretation of the clause in the Election Act relating to the qualification of hon. members³¹⁶. ((He)) had been requested by an honorable friend, to state a case which occurred in 1841. In 1841, Mr. Turcotte was returned for the County of St. Maurice, and his return was complained of. Upon trial, it appeared that his friend, who was one of the candidates, produced his qualification written and attested; but the other candidate, when asked for his qualification, took the statute in his hands and read it to the crowd, and this verbal declaration of his being qualified, the House looked upon as a compliance with the letter of the law. Now, if a person was to make a declaration in the presence of the multitude, and state that he was qualified six months previously; or if he was to state that he was qualified three or four years ago, would that declaration be sufficient? That was the point in question in the case; and the House, seeing great difficulty would be occasioned by the practice, as it would afterwards be impossible to judge of the correctness of the declaration, declared that the declaration should be in writing, and that a specification of the lands, upon which the qualification was made, should be subjoined to it; and if they looked at the Union Act, they would find that it was essential that the candidate should be present at the election, or how could he make the declaration. This was found to be very inconvenient, and they passed a law which gave great extension to the provisions of the Union Act, and which enabled persons going to England, or to the West Indies or other places, to make declarations previous to leaving, which was sufficient, if handed to the Returning Officer on the day of the election.--Now, that law never intended to place absentees on a better footing than those present, which it would do, if the views of the hon. member for Sherbrooke were correct. He would suppose a case-- a man makes a declaration in August, previous to going to Europe or the West Indies, and the election comes off in the month of Dec. following; his qualification is demanded, and a declaration produced, which stated that he was qualified, dated three months previous. Now, a declaration that a man was qualified, made in August, could not be held to be a declaration that he was qualified in Dec., because he might have become disqualified in the interval, and, unless it could be made out "I was" was synonymous with "I am", he was certainly of opinion that the declaration ought to be made after the day of the writ, and that it could not be made before it; if it could, how far back ought they to go--would it do if made six months previous to election, or six years? In his opinion, it must be dated between the date of writ and the time of the election; it was an important point in his estimation, and he trusted that the House would consider it well before coming to any decision.³¹⁷ ((He)) ended by saying he thought Mr. Hincks hardly treated and the House should act justly towards him; but they also owed justice to the sitting Member, and, what was of greater importance, they should be just to themselves and not judge this case in so unseemly a manner. There was nothing easier than

for a majority to unseat a Member, and he hoped, on so important a matter, the House would not proceed at so late an hour of the night.³¹⁸ (Hear, hear.)³¹⁹

COL. GUGY--said, the case referred to by the hon. member for Gaspe had occurred before the passing of 6 Vic., cap. 1, which passed in consequence of that very case, and that the act certainly contemplated the preparing declaration prospectively; because, by the last section, it was declared that a declaration was to be held and made, upon the day which it was delivered to the Returning Officer.³²⁰

MR. CHABOT--addressed the House in French in support of the motion.³²¹

MR. G. SHERWOOD--(Brockville) thought the question before the House was whether the House should dispose of the question, or whether it should be referred to a Committee under the Grenville Act³²² and under the law he contended that it must be referred to a committee.³²³ They had nothing to do with the merits of the case, as to whether the Returning Officer had the right to refuse the qualification given in by Mr. Hincks, and to return the person who had the minority of votes, in consequence of that qualification being bad.³²⁴ He could not agree with the hon. member for Sherbrook (sic), that the first day of the election was the only day upon which the qualification could be demanded--he contended that it could be demanded as well upon the day of the return as that day, because those two days were held to be one in law.³²⁵ The hon. gentleman who had introduced this case had quoted no precedents. The hon. gentleman had said that he was not actuated by party feeling, but by love of right and justice; but if they might judge from the manner and language of the hon. member, it appeared to be that there was something very like party feeling.³²⁶

Hear, hear from the ministerial side of the House.³²⁷

MR. G. SHERWOOD--The hon. member had referred to an election committee in the last Parliament, and had said that Mr. Hincks had been kept out of his seat by the corruption of a member of this House. Generally speaking, new converts were always more zealous than those who had always defended the same principles. But he thought it hardly becoming in the hon. and learned member who had so lately become a convert to the principles which he now held to accuse Mr. Roblin of corruption. Mr. Roblin had always been a consistent Reformer, and was as little likely to be corrupted as was the hon. member himself or any other member of the House.³²⁸

Ironical cheers from the Opposition benches.

MR. G. SHERWOOD--Having had the honour of sitting on the committee in which Mr. Hinck's election was determined, (hear, hear, hear), he repelled the charge of corruption against Mr. Roblin, who was his intimate friend, although a Reformer. He hoped the House would not violate the laws of the land by taking up this question, which ought to be decided under the Grenville Act. He concluded by calling on the hon. member for the Fourth Riding of York to give his opinion upon this question, as he was sure that he would not consent to set aside the law in

this case.³³⁰

MR. LAFONTAINE--said that there was no difference between the Grenville Act and the Lower Canada Law of 1808, and that the change of name on the return would be no decision on the merits of the election; if it did they were bound to go by the Grenville Act; and he would ask if a committee were appointed to examine the case, and it should declare that Mr. Hincks had a majority of votes, would its decision be final, or could it be contested again³³¹?

Cries of no, no, from several members on the ministerial benches³³².

MR. LAFONTAINE--contended that it could, or what would be the consequence,--suppose all the votes polled for the party having the majority were bad, through bribery and other causes, would the House have no power to revise the decision, and if it could be amended, it showed that that could be no decision of the merits of the election. The Grenville Act required a petition to be presented before they could refer the matter to a Committee, and how could they do so, if there was not a petition. The Lower Canada Statute was copied from the Grenville Act; and there were two cases decided in Lower Canada under that law, which proved that House had power to decide a case like the present, without any reference to a Committee. The first case was the Bonaventure case, in 1830, where the Returning Officer returned for that County a person with 45 votes against a person with 200; and in that case the return was amended by the House itself. The second case was the Stanstead case, in 1833, where the Returning Officer deducted a certain number of votes given for one candidate, which he considered illegal; and thus gave the majority to another candidate whom he returned--the House ascertained the facts from the poll-books, and the return was at once amended. He would suppose that if the member's name was wrongly written on the return, as, suppose that instead of John, Charles, was inserted in mistake, would there be any hesitation even for a moment to amend the return?³³³

MR. J. SCOTT--(Bytown) had felt considerable difficulty in making up his mind to the vote which he intended to give upon this question partly from being inexperienced in election matters, and partly from the fact of his being a party man. (Hear, hear.) He felt that his vote on the present occasion, and the votes of every hon. member, would be considered as a party vote, whether it was so or not. (Hear, hear.) Now he denied that the vote which he should give upon this occasion would be actuated by party motives at all, and whatever might be imputed to him, he wished the House to understand that he voted entirely from a conviction of what was right to be done. He was not influenced in his vote because Mr. Hincks, the person in whose favour this motion was made, was a powerful member of the party to which he (Mr. S.) belonged, and would be of service to them in the struggle which was about to take place. If the gentleman seeking his seat in this House belonged to the opposite party, and ((had)) been the most powerful member of that party, he should have been influenced in that same way that he was now. (Hear, hear.) He should, as the youngest member of the House, and little acquainted with the customs and usages of the House, have felt it his duty to give a

silent vote on this question, had he not felt that wrong motives might be imputed to him. He should support the motion of the hon. member for Middlesex,³³⁴ because he considered it a good, and proper, and legal one, although the grounds on which his opinion were founded were more those of right and justice than anything else.³³⁵ Hon. gentlemen opposite had asked them for precedents; he had to repeat that there was no precedent to such a case as this, and³³⁶ if there were no precedents... what were they to do? were they to want for precedents? No, he thought they were perfectly competent to decide the question without precedents.³³⁷ It was high time that they should make precedents for flagrant cases like this. (Hear, hear.) Were a corrupt Returning Officer, and perhaps no more corrupt than those under whose advice he acted (hear, hear,) to take upon himself to return an individual who had no right to a seat in that House, to say that the intruder should take his seat on the benches of that House, and give perhaps a casting vote on questions affecting the vital interests of the Province. Would any hon. member say that they were not to take the matter up as a question of privilege, and turn out the intruder? Yet cases of this kind would continue to occur so long as the elections are in the hands of the Executive Government, who might be disposed to act corruptly, and appoint improper Returning Officers for their own purposes. He would not make any attack on the Ministry, as he was too little acquainted with what had transpired in the political world during the last few years; but if he was disposed to give a party vote, sufficient had transpired within the last three years to warrant every member on his side of the House, every man who had one spark of liberal feeling, in giving a party vote; (loud cries of hear, hear); but he entirely disclaimed any intention of giving a party vote on this occasion. It was absolutely unnecessary that hon. members on this side of the House should give a party vote on this question. It mattered not in the least to them whether Mr. Hincks took his seat or not. (Hear, hear,) They had a majority of at least 25 or 30, and one more vote could make no difference to them. The only motive that influenced him was to vote conscientiously and rightly. The hon. gentleman concluded by stating, that though the practice of Upper Canada furnished no precedents, that of Lower Canada did.³³⁸

MR. SOL. GEN. CAMERON--spoke in great length, not opposing the right of Mr. Hincks to his seat, but the course pursued to obtain that seat.³³⁹ The hon. member for Terrebonne had asked him if, in a case where a person who had taken his seat was petitioned against, and the case referred to a committee, if its decision would be final? He thought that it would. In England, it would formerly not have been so, but in consequence of the Dublin case, a statute was passed which made it final. And, in reply to another question of the honorable gentleman, whether the same law applied to cases where there was no return, or a special return? He thought the same rules were applicable as in cases where there was a return, and he considered that it extended even to cases where there was no petition and no complaint. He thought that the only difference between the case where there was an undue return, or where there was a complaint, and a case where there was none, or a special return, was that the House

was in the first case obliged to wait 14 days before it could take up the matter, and the other that it was not.³⁴⁰

MR. DRUMMOND--contended that in giving his vote for this resolution he should be entirely free; as the election was contested before a Grenville Committee, and he was named one of that committee to decide upon any question which might arise.³⁴¹ If the motion would at all pre-judge the question which might be brought up in committee hereafter, he considered that he would not be doing right, in voting for it; but they were not called upon to judge upon a controverted³⁴² election, if they were, as this election took place in Upper Canada, they would be bound to decide according to the Grenville Act, but they were told they were merely called upon to perform a duty which the Returning Officer would have performed if he had not grossly neglected the duty which was incumbent upon him. This was the only duty that they were called upon to perform. Now he maintained that the Grenville Act³⁴³ did not take away the inherent right of the House to amend false returns and to retain its privileges³⁴⁴; before the passing of this law there were rights and privileges in this House which that law had not taken away. It was found necessary to take the right of deciding contested elections from the House but, in matters of privilege, the right still remained. He did not think there was any precedent in the English Parliament to shew that the House of Commons considered itself competent to take up questions of this kind; on the contrary there were many cases which clearly shewed that that act had not deprived the House of the power of amending false returns. As for precedents from Upper Canada, they required none; this was the first time that they had seen a man returned with a majority of 300. They had seen things during the last three years such as they had never seen before; they had seen violations of the law such as had never been attempted in any other country;³⁴⁵ and if flagrant violations took place here, which had never taken place in other countries, they must make precedents³⁴⁶ to prevent such violations from being attempted again; they must do justice to the country and to the man who had been deprived of his seat (hear, hear;) they were bound to protect their own privileges. After alluding to the question of qualification, Mr. Drummond went on to say that the Attorney General for Canada West had been the guide of all these Returning Officers who had misbehaved. He would not wish to bring up before this House and punish the Returning Officer for Oxford for his conduct, but he should like to bring up before this House his written opinions which had been given upon this case and upon which these others had acted; he should like to go to the fountain head and bring up before this House the true offenders, those who told them to forgive the Returning Officers on account of their ignorance, and yet they had for their advisers one of Her Majesty's Ministers. (Loud cries of hear, hear.)³⁴⁷ He did not think that any person would have endorsed the opinion of the member for Gaspe, and he was astonished to hear the Solicitor General (West) do so. The statute 4 and 5 Victoria, did not require the declaration to be in writing.³⁴⁸

MR. CHRISTIE--It states that he must "make and subscribe" the declaration.³⁴⁹

MR. DRUMMOND--He must subscribe the statement, specifying the lands upon which he has qualified, but it did not say he must "make and subscribe" the declaration. The hon. member for Gaspe also stated that the declaration made in August, by persons going to England, could not be used in December, because the persons might have become disqualified in the meantime. It did not matter even if it was dated ten years before the election, because, if he used it, it is at his own risk, and if he was not qualified at the time it is handed to the Returning Officer, he exposed himself to the penalties mentioned in the Act, to be punished for a misdemeanor (sic). The question of qualification could only come before the Returning Officer on the day of nomination, and no other time, and he would maintain that the Returning Officer, even on the day of nomination, had no power to decide on the qualification of a candidate, and there were two English precedents which declared so.³⁵⁰

MR. AYLWIN--had, when he first looked into the matter, great doubt and difficulties as to how the House should proceed, and at first he thought he would be obliged to vote against the motion, because he doubted whether the House could take up the matter and dispose of it in a summary manner, without referring to a committee. Upon looking to English precedents, he was of opinion that they could not, but in looking into the application of these precedents to this country, he came to the conviction that it would be unwise for them to adopt them, as circumstances were widely different in the two countries. In England, Parliament generally sat for five or six months each year, and each Parliament lasted seven years, while the session in this country generally lasted for five or six weeks only. But the merits of the election were not to be tried now. The question was, whether a party who had taken possession of a seat in this House, had such a right to it, that the House would allow him to sit until the merits of the election had been decided; and if he had not, to prevent him from doing so. The question was one of possession; the right of the person who had taken his seat, was founded upon the return of the Returning Officer, but when it was found that that return was directly contrary to law, and that the poll books accompanying the writ declared that he had no right to a seat, then his title was a bad one; it was no title at all, and the House ought not to permit him to hold a seat in it for a single day. He would not now enter into the question of qualification; for with that they had nothing to do at present. The poll books showed a majority for Mr. Hincks, and such being the case, he (Mr. A.) would like to know the law which allowed the Returning Officers to decide upon a question between the two candidates. That person had taken upon himself, after a poll had been taken, to declare that he would not return Mr. Hincks, although he had the majority of votes, but that he would return his own man. If the House did not refuse to sanction that course of proceeding, Returning Officers will become the servants of the Government; and it will be in their power to do what they like, whatever the majority may be in any case--whether it be 60, or 600, or 6,000--they will be able to return their own men, let them be in ever so great a minority. Was the House then obliged to wait until a committee should be sworn, which would have to sit from session to session, until it found out that the Returning

Officer had no power to do what he had done before they could take steps to remedy such an evil?³⁵¹ The hon. and learned gentleman...((then)) pronounced ((the conduct of Mr. Vansittart)) to be that of a "cheating, cozening knave," and which ought to "damn him forever in the estimation of every honest man in Canada." ...He stigmatized ((Mr. Carroll)) as a "parchment member of Parliament",--"a man who was no man at all,"--"a thing of a bit of parchment and a little bit of tape!"³⁵²

MR. W. BOULTON--³⁵³ moved, that the House do adjourn. (Loud cries of "No, no.") His hon. friend, the Solicitor General--who was conducting the debate on that side of the House--had been taken ill on leaving the House after this speech,³⁵⁴ and had retired to the Speaker's room, where he fainted³⁵⁵. (Ironical cries of "Hear, hear.") He would assure hon. gentlemen, that a medical gentleman--a member of this House--had positively ordered that his hon. friend should not return to the House. (Ironical cheers.)³⁵⁶

(10)

Mr. Boulton of Toronto moved, seconded by Sir Allan N. MacNab, and the Question being put, That the further consideration of the said Motion be postponed until to-morrow.

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Attorney General Badgley, Baldwin, Boulton of NORFOLK, Cayley, Christie, DeWitt, Flint, Fournier, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Price, Prince, Attorney General Sherwood, and Weterhall.--(16)

NAYS.

Messieurs Armstrong, Aylwin, Beaubien, Bouthillier, Burritt, Cauchon, Chabot, Chauveau, Davignon, Drummond, Duchesnay, Fortier, Fourquin, Gagy, Guillet, Hall, Holmes, Jobin, LaFontaine, Laterrière, Laurin, Lemieux, Leslie, Macdonald of GLENGARRY, Marquis, M'Farland, Mongenais, Morrison, Nelson, Notman, Papineau, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Taché, and Thompson.--(37.)

So it was passed in the Negative.

MR. W. BOULTON-- ... made the yeas and nays be taken down and read at length.³⁵⁷

SIR A. MACNAB--had never before heard of a question of this importance being taken up at twelve o'clock at night. It was now nearly three o'clock.³⁵⁸

Several hon. members--"Oh, it is quite early." (Laughter.)³⁵⁹

(10)

Mr. Boulton of Toronto moved, seconded by Mr. Sherwood of Brockville, and the Question being put, That the further consideration of the main Motion be postponed until to-morrow.

The House divided:--

Yeas, 13.

Nays, 34.

So it passed in the Negative.

MR. H. BOULTON--(Norfolk) did not believe that the House had any power to decide questions of this kind. It was the inherent right of the House to do so before the passing of the Grenville Act; but under that Act, which was applicable to improper returns as well as to contested elections, it could not do it.³⁶⁰

MR. BALDWIN--had risen thus late in the discussion because it was his misfortune to differ from many of his hon. and learned friends with whom he was generally in the habit of agreeing on questions that came before the House, he had been desirous of hearing all³⁶¹ their reasons, in support of the motion, in the hope that he would have been able to come to some other conclusion than that which he had arrived at.³⁶² As far as he could judge of the facts of this case he had no doubt of what the Returning Officer ought to have done (hear, hear;)³⁶³ but a different return having been made, the question was how to treat it.³⁶⁴ He would not lose sight of the great distinguishing characteristics which marked this from that which the House had already disposed of. In that case he had felt no difficulty in voting for the motion as there was no return in consequence of the Returning Officer not doing that which he was no doubt bound to do. In this case they had a member actually occupying a seat in that House, they had therefore a party with whom an issue could be raised on this return, and it was obvious to him that the express object of the Grenville Act was that whenever there was an issue between two contending parties, on alleging that the seat was imperfectly filled and the other that it was properly filled, that the matter was to be considered by a committee under the Grenville Act, and not by the House. (Hear, hear.) For his own part, although a great deal of contempt had been thrown upon this Act, he could not forget the great names in our history, Pitt, Fox, Burke, and Grenville, some of the greatest names in our history, who had looked upon this Act as one of the most important improvements in the management of Parliamentary business in England³⁶⁵.

Hear, hear from the ministerial side³⁶⁶.

MR. BALDWIN--and he was not therefore prepared to endorse the charges which had been made against the Act. It had been said that they should unseat the hon. member for Oxford and seat Mr. Hincks. He believed that they were strong (hear, hear;) but whether they were strong or weak would make no difference; he was perfectly convinced that none of his hon. friends on that side of the House were desirous of doing this as an act of power, every one of them thought that in taking this course they were merely doing that which they would be prepared to do if the present occupant of the seat belonged to this side of the House. (Hear, hear.) He was perfectly satisfied that they would do the same act of justice to any of the hon. gentlemen on the opposite side, were they in the position of Mr. Hincks, he was sure that it was not because his hon. friends possessed power that they were prepared to take this course. This was not the first occasion on which he had deprecated the influence of party feeling in disposing of questions of this kind. Hon. gentlemen

who had sat with him in previous Parliaments knew very well that whether in a majority or a minority, he had deprecated it; and without pretending to say that he had never been influenced by party considerations, he claimed that in every vote he had given upon elections, he had always divested himself of party feelings as he did on the present occasion (hear, hear;) and though there could be no manner of doubt as to which of these gentlemen ought to be sitting member for Oxford, and though no one could doubt that the hon. Mr. Hincks should occupy the seat which another gentleman now occupied, he must say that unless this could be done in a way which he considered consistent with the law of the land, he was bound to vote against that proposition of his hon. friend, the member for Middlesex.³⁶⁷

Loud cries of hear, hear, from the ministerial side.³⁶⁸

MR. BALDWIN ((resumed:))--He did not think that the whole power of the House to decide questions of the sort, was entirely taken away by the Grenville Act, but when he found that in the whole history of the mother country, from the period when the Act was passed down to the present time, the House of Commons had not availed themselves of the power that remained to them of interfering in a case of this kind, he was not prepared to take the responsibility of a measure of this nature, for the exclusion of a gentleman who never, being returned by the Returning Officer, (hear, hear,) occupied a seat in this House. He was for following the precedents, or rather absence of precedents, which the Parliamentary experience of the mother country afforded, and leaving this case to be decided by petition. He was satisfied that this was the course most consistent with the purity of their proceedings, and he felt therefore bound, although it was with considerable pain, to vote against the proposition of his hon. friend.³⁶⁹

Cheers from the ministerial benches.³⁷⁰

MR. W. BOULTON--(Toronto) could not see the necessity of pressing this measure at that late hour. If they had only a majority of one or two, and feared an accession to his side of the House, it would be another thing; but it was not so, they had a large and overwhelming majority; he thought therefore they might consent to postpone this discussion until to-morrow.³⁷¹

(10)

Mr. Boulton of Toronto moved, seconded by Mr. Sherwood of Brockville,³⁷² and the Question being put, That the House do now adjourn.

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Boulton of TORONTO, Christie, Sir Allan N. MacNab, Malloch, Sherwood of BROCKVILLE, Attorney General Sherwood.--(6.)

NAYS.

Messieurs Armstrong, Aylwin, Attorney General Badgley, Baldwin, Beau-bien, Bell, Bouthillier, Burritt, Cauchon, Cayley, Chabot, Chauveau, De-Witt, Davignon, Drummond, Fortier, Fournier, Fourquin, Guillet, Hall,

Holmes, Jobin, LaFontaine, Laurin, Lemieux, Leslie, Macdonald of GLENGARRY, Macdonald of KINGSTON, Marquis, M'Farland, Mongenais, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of EYTOWN, Smith of DURHAM, Taché, Thompson, and Wetenhall.--(42.)

So it passed in the Negative.

Mr. Boulton of Toronto then moved, in amendment to the main Motion, seconded by Mr. Malloch,³⁷³ and the Question being put, That the only proper mode of determining upon a Contested Election or Return of a

(11)

Member or Members to represent any Constituency to that part of the Province formerly called Upper Canada, is under the provisions of the Act of the Legislature of Upper Canada, 4 Geo. 4, c. 4, regulating the trial of Controverted Elections in Upper Canada.

*The House divided; and it passed in the Negative.*³⁷⁴

MR. W. BOULTON--again moved an adjournment, and insisted on the yeas and nays being taken!³⁷⁵

MR. CAUCHON--thought the House was ready for the question. They had been discussing it for more than three hours. (Hear, hear.)³⁷⁶

MR. W. BOULTON--moved that this discussion be postponed, seconded by MR. MALLOCH³⁷⁷.

Yeas, 13, nays, 34.³⁷⁸

MR. W. BOULTON--again attempted to adjourn the debate³⁷⁹.

MR. RICHARDS--had been waiting to hear the views of the hon. member for the Fourth Riding of York on this question, and he had come to the conclusion of voting contrary to him upon this point. (Hear, hear.) And although it might be said to be presumption in him to set up his own individual opinions against those of one whose standing was so high at the bar, and in the country, as a Constitutional lawyer, nevertheless, he thought that he was bound on the present occasion to decide upon his own opinion and act up to it. (Hear, hear.) It appeared to him, that as far as regarded the merits of this case, they all concurred in the opinion that the Returning Officer ought to have returned Mr. Hincks to the seat in that House, which was now occupied by another gentleman. (Hear, hear.) And the next question was whether this fact being brought before the House in the way it now was, they were precluded by the Grenville Act from taking it up, as a matter of privilege, under the Common Law power which still remained to them. (Hear, hear.) Well now if this privilege did remain to them, if there was any fair, reasonable, justifiable doubt, that this privilege had been taken away from them, let them decide this question by the right and justice of the case (hear, hear), and instead of stretching the law to give the jurisdiction of it to a Grenville Committee, when they had upon the table evidence enough to convince any impartial and dispassionate man that the Returning Officer had done a great injustice in his returns--let them do that which was right and just, and that was, as speedily as possible, to put Mr. Hincks in possession of his seat. (Cheers.)³⁸⁰

MR. W. BOULTON (Toronto)--could hardly believe that he was in a British House of Commons, (loud laughter and ironical cheers) much less that he was in a Legislative Assembly in Lower Canada, amongst gentlemen who had always been celebrated for their courtesy (ironical cheers)--one of the chief ministers of the Crown was lying ill in an adjoining room. (Hear, hear.) What had the Legislature of the United States done in a similar case (hear, hear), when a distinguished member of the House had been taken suddenly ill.³⁸¹

A voice, "and died shortly after".³⁸²

MR. W. BOULTON ((resumed:)) They had the course of Congress in the case of John Quincy Adams fresh in their minds. (Loud and continued laughter.)³⁸³ Why ((there)) they had adjourned (ironical cheers) out of respect for the individual (loud cries of hear, hear); and yet here, when the Solicitor General, who was conducting this debate on that side of the House, had retired from the room under an attack of illness, the hon. members on the other side, in direct opposition of two of the leading members of that party, the hon. members for Norfolk and the Fourth Riding of York, insisted on pressing forward this matter. He really thought it hardly decent.³⁸⁴

MR. LAFONTAINE--desired to know if Mr. Boulton thought Mr. Cameron suffering under a little excitement was a good parallel to the venerable ex-president of the United States, who had the esteem and admiration of everyone?³⁸⁵

MR. W. BOULTON--then got to the floor on the main question.... He declared he would be most happy to join the gentlemen opposite, and "all go together"--he was in fact quite at a loss to see any difference in the two parties--he brought in his friend Mr. Scobie and the 4th Riding Election...and declaring that "party" was the curse of the country, and that he would go with any set of men who would give good measures--he again moved an adjournment³⁸⁶.

MR. G. SHERWOOD (Brockville)--seconded the motion, because he thought that there was a disposition on the part of the majority to gag hon. members on that side of the House; and he thought it high time that the independence of the minority should be asserted. (Ironical cheers.)³⁸⁷

MR. BALDWIN--had voted once or twice for the adjournment, but as the sense of the House was decidedly against it, he must now oppose it. (Hear, hear.)³⁸⁸

The motion was negatived³⁸⁹, Yeas, 5; Nays, 42.³⁹⁰

Cries from MR. W. H. BOULTON of "read the names."³⁹¹

MR. MACDONALD (Glengarry)--reminded the gentlemen opposite, that they had yielded in the early part of the evening to the measures which the Government had brought in to regulate the sanatory condition of the Province. (Hear, hear.) The facts of this case had been before them for some days, and he was convinced that the hon. members on that side of the House had come down to the House with their minds made up as to the course

they should pursue, from which course no eloquence or persuasion of hon. gentlemen opposite could draw them. He was therefore opposed to wasting more time upon this discussion.³⁹²

(11)

The Question being then put on the main Motion, the House again divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Aylwin, Beaubien, Bell, Bouthillier, Burritt, Cauchon, Chabot, Chauveau, DeWitt, Davignon, Drummond, Duchesnay, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, LaFontaine, Laurin, Lemieux, Leslie, Macdonald of GLENGARRY, Marquis, M^r Farland, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Taché, Thompson, and Wetenhall.--(40.)

NAYS.

Messieurs Attorney General Badgley, Baldwin, Boulton of NORFOLK, Boulton of TORONTO, Solicitor General Cameron, Cauley, Christie, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNair, Malloch, and Sherwood of BROCKVILLE.--(12.)

So it was carried in the Affirmative.

Resolved, That in obedience to a Writ of Election duly issued, and returnable on the twenty-fourth day of January, in the present year, an Election was held for the County of Oxford on the twenty-eighth day of December, 1847.

On motion of Mr. Notman, seconded by Mr. Smith of Durham,

Resolved, That Francis Hincks, Esquire, and Peter Carroll, Esquire, were proposed and seconded, and were candidates at the said Election.

On motion of Mr. Notman, seconded by Mr. Scott of Bytown,

Resolved, That a Poll was demanded and allowed by the Returning Officer according to Law, and that the said Poll was taken in the several Townships comprised within the said County.

On motion of Mr. Notman, seconded by Mr. Morrison,

Resolved, That by the said Poll Books returned to the Clerk of the Crown in Chancery, with the said Writ of Election, it appears that 813 votes were taken for the said Francis Hincks, and 478 votes for the said Peter Carroll; and that, therefore, so far as the facts appear from the said Poll Books, the said Francis Hincks should have been returned duly elected.

On motion of Mr. Notman, seconded by Mr. Thompson,

Resolved, That notwithstanding the said majority of votes appearing in favor of the said Francis Hincks, the Returning Officer who held the said Election returned the said Peter Carroll duly elected; and the said Peter Carroll has taken a seat in this House in pursuance of such Return.

Mr. Notman moved to resolve, seconded by Mr. Holmes, and the Question being put, That a due regard for the rights of Electors, and for the privileges of this House, requires that the said Return should be amended according to the facts apparent upon the said Poll Books.

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Aylwin, Beaubien, Bell, Bouthillier, Burritt, Cauchon, Chabot, Chauveau, DeWitt, Davignon, Drummond, Duchesnay, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, LaFontaine, Laurin, Lemieux, Leslie, Macdonald of GLENGARRY, Marquis, M'Farland, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Taché, Thompson, and Wetenhall.--(40.)

NAYS.

Messieurs Attorney General Badgley, Baldwin, Boulton of NORFOLK, Boulton of TORONTO, Solicitor General Cameron, Cayley, Christie, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, and Sherwood of BROCKVILLE.--(12.)

So it was carried in the Affirmative.

Resolved, That a due regard for the rights of Electors, and for the privileges of this House, requires that the said Return should be amended according to the facts apparent upon the said Poll Books.

Mr. Notman moved to resolve, seconded by the Honorable Mr. Papineau, and the Question being put, That the Clerk of the Crown in Chancery do attend this House forthwith, and amend the Return for the said County of Oxford, by erasing the name of Peter Carroll, and inserting therein the name of the said Francis Hincks, and that the said Francis Hincks do take his seat in this House forthwith, in place of the said Peter Carroll; reserving to the said Peter Carroll, and to all others whom it may concern, all rights of Petition and other proceedings for controverting and obtaining a final decision on the legality of the said Election and Return.

The House divided; and the names being called for, they were taken down, as in the last preceding division.

So it was carried in the Affirmative.

Resolved, That the Clerk of the Crown in Chancery do attend this House forthwith, and amend the Return for the said County of Oxford, by erasing the name of Peter Carroll, and inserting therein the name of the said Francis Hincks, and that the said Francis Hincks do take his seat in the House forthwith, in place of the said Peter Carroll; reserving to the said Peter Carroll, and to all others whom it may concern, all rights of Petition and other proceedings for controverting and obtaining a final decision on the legality of the said Election and Return. 393

The Clerk of the Crown in Chancery attended according to Order, and amended the Return for the County of Oxford.

Mr. Hincks
takes his
seat.

in the House. 394

The Honorable Francis Hincks, Member for the County of Oxford, having previously taken the oath according to law, and subscribed before the Commissioners the Roll containing the same, took his seat

On motion of Mr. Notman, seconded by Mr. Macdonald of Glengarry,
Oxford Elec- Ordered, That Mr. Speaker do issue his Warrant,
tion. summoning John George Vansittart, Esquire,

the Returning Officer at the late Election for the County of Oxford, to the Bar of this House, on Tuesday the 21st day of March instant, to answer for his Return to the Writ of Election for the said County. 395

Then, on motion of Mr. Macdonald of Glengarry, seconded by Mr. Laurin,
The House adjourned. 396

FOOTNOTES: 1 MARCH 1848.

1. The debate on this matter was reported by: HAMILTON SPECTATOR, 8 March 1848, copying the MONTREAL HERALD, LE CANADIEN, 6 March 1848, BRITISH WHIG, 8 March 1848, PACKET, 4 March 1848, and MORNING CHRONICLE, 6 March 1848, in identical accounts except that in the MORNING CHRONICLE, PACKET, and LE CANADIEN, some speeches have been omitted entirely, and LE CANADIEN's account is abbreviated; MONTREAL GAZETTE, 3 March 1848, ST. CATHARINES JOURNAL, 9 March 1848, and LA MINERVE, 2 March 1848, whose accounts are identical except that in MONTREAL GAZETTE is longer than in ST. CATHARINES JOURNAL and LA MINERVE; GLOBE, 8 March 1848, which quoted part of MONTREAL GAZETTE's version of Henry Sherwood's speech; MORNING CHRONICLE, 3 March 1848, and HAMILTON SPECTATOR, 4 March 1848, which noted the debate in identical accounts. A commentary is contained in BRITISH WHIG, 4 March 1848.
2. MONTREAL GAZETTE, 3 March 1848.
3. IBID.
4. IBID.
5. HAMILTON SPECTATOR, 8 March 1848.
6. MONTREAL GAZETTE, 3 March 1848.
7. HAMILTON SPECTATOR, 8 March 1848.
8. MONTREAL GAZETTE, 3 March 1848.
9. HAMILTON SPECTATOR, 8 March 1848.
10. MONTREAL GAZETTE, 3 March 1848.
11. HAMILTON SPECTATOR, 8 March 1848.
12. MONTREAL GAZETTE, 3 March 1848.
13. HAMILTON SPECTATOR, 8 March 1848.
14. MONTREAL GAZETTE, 3 March 1848, which added that the paper "had a proper and soporific effect upon the nerves of the honorable members present."
15. HAMILTON SPECTATOR, 8 March 1848.
16. MONTREAL GAZETTE, 3 March 1848.
17. HAMILTON SPECTATOR, 8 March 1848.
18. MONTREAL GAZETTE, 3 March 1848.
19. LE CANADIEN, 6 March 1848.
20. MONTREAL GAZETTE, 3 March 1848.
21. LE CANADIEN, 6 March 1848.
22. HAMILTON SPECTATOR, 8 March 1848.
23. MONTREAL GAZETTE, 3 March 1848.
24. LE CANADIEN, 6 March 1848.
25. MONTREAL GAZETTE, 3 March 1848.
26. IBID.
27. LE CANADIEN, 6 March 1848.
28. MONTREAL GAZETTE, 3 March 1848.
29. LE CANADIEN, 6 March 1848.
30. MONTREAL GAZETTE, 3 March 1848.
31. LE CANADIEN, 6 March 1848.
32. HAMILTON SPECTATOR, 8 March 1848.
33. MONTREAL GAZETTE, 3 March 1848.

34. HAMILTON SPECTATOR, 8 March 1848.
35. MONTREAL GAZETTE, 3 March 1848.
36. HAMILTON SPECTATOR, 8 March 1848.
37. MONTREAL GAZETTE, 3 March 1848.
38. HAMILTON SPECTATOR, 8 March 1848.
39. MONTREAL GAZETTE, 3 March 1848.
40. HAMILTON SPECTATOR, 8 March 1848.
41. MONTREAL GAZETTE, 3 March 1848.
42. HAMILTON SPECTATOR, 8 March 1848.
43. MONTREAL GAZETTE, 3 March 1848.
44. HAMILTON SPECTATOR, 8 March 1848.
45. MONTREAL GAZETTE, 3 March 1848.
46. The debate on this matter was reported in: PILOT, 4 March 1848; MONTREAL GAZETTE, 3 March 1848; GLOBE, 8 March 1848, whose columns are partially obliterated; PACKET, 4 March 1848, BRITISH WHIG, 8 March 1848, whose account was copied from the MONTREAL HERALD; and LA MINERVE, 2 March 1848. Commentaries are contained in MONTREAL GAZETTE, 3 March 1848, and MONTREAL TRANSCRIPT, 4 March 1848. According to the PACKET, 4 March 1848, following the conclusion of J. H. Cameron's speech the "Debate continued for a couple of hours...."
47. GLOBE, 8 March 1848.
48. IBID.
49. IBID
50. PILOT, 4 March 1848.
51. MONTREAL GAZETTE, 3 March 1848.
52. PILOT, 4 March 1848.
53. MONTREAL GAZETTE, 3 March 1848.
54. PILOT, 4 March 1848.
55. MONTREAL GAZETTE, 3 March 1848.
56. PILOT, 4 March 1848.
57. MONTREAL GAZETTE, 3 March 1848.
58. PILOT, 4 March 1848.
59. MONTREAL GAZETTE, 3 March 1848.
60. PILOT, 4 March 1848.
61. MONTREAL GAZETTE, 3 March 1848.
62. PILOT, 4 March 1848.
63. MONTREAL GAZETTE, 3 March 1848.
64. PILOT, 4 March 1848.
65. MONTREAL GAZETTE, 3 March 1848.
66. PILOT, 4 March 1848.
67. PACKET, 4 March 1848.
68. PILOT, 4 March 1848.
69. MONTREAL GAZETTE, 3 March 1848.
70. PILOT, 4 March 1848.
71. PACKET, 4 March 1848.
72. PILOT, 4 March 1848.
73. PACKET, 4 March 1848.
74. PILOT, 4 March 1848.
75. IBID.
76. PACKET, 4 March 1848.

77. MONTREAL GAZETTE, 3 March 1848.
78. PILOT, 4 March 1848.
79. MONTREAL GAZETTE, 3 March 1848.
80. PILOT, 4 March 1848.
81. MONTREAL GAZETTE, 3 March 1848.
82. PILOT, 4 March 1848.
83. MONTREAL GAZETTE, 3 March 1848.
84. PILOT, 4 March 1848.
85. PACKET, 4 March 1848.
86. MONTREAL GAZETTE, 3 March 1848.
87. PACKET, 4 March 1848.
88. MONTREAL GAZETTE, 3 March 1848.
89. PILOT, 4 March 1848.
90. MONTREAL GAZETTE, 3 March 1848.
91. PILOT, 4 March 1848.
92. PACKET, 4 March 1848.
93. PILOT, 4 March 1848.
94. MONTREAL GAZETTE, 3 March 1848.
95. PACKET, 4 March 1848.
96. PILOT, 4 March 1848.
97. MONTREAL GAZETTE, 3 March 1848.
98. PILOT, 4 March 1848.
99. PACKET, 4 March 1848.
100. PILOT, 4 March 1848.
101. MONTREAL GAZETTE, 3 March 1848.
102. PILOT, 4 March 1848.
103. MONTREAL GAZETTE, 3 March 1848.
104. PACKET, 4 March 1848.
105. MONTREAL GAZETTE, 3 March 1848.
106. PACKET, 4 March 1848.
107. PILOT, 4 March 1848.
108. MONTREAL GAZETTE, 3 March 1848.
109. PILOT, 4 March 1848.
110. MONTREAL GAZETTE, 3 March 1848.
111. PILOT, 4 March 1848.
112. The text of these Resolutions was taken from the JOURNALS, pp. 9-10.
The GLOBE, 8 March 1848, mistakenly reported that Resolutions 5-7 were
dealt with after DeWitt took his seat.
113. PILOT, 4 March 1848.
114. IBID.
115. PACKET, 4 March 1848.
116. PILOT, 4 March 1848.
117. LA MINERVE, 2 March 1848.
118. PILOT, 4 March 1848.
119. PACKET, 4 March 1848.
120. PILOT, 4 March 1848.
121. PACKET, 4 March 1848.
122. PILOT, 4 March 1848.
123. PACKET, 4 March 1848.
124. MONTREAL GAZETTE, 3 March 1848.

125. PACKET, 4 March 1848.
126. MONTREAL GAZETTE, 3 March 1848.
127. PILOT, 4 March 1848.
128. MONTREAL GAZETTE, 3 March 1848.
129. PILOT, 4 March 1848.
130. MONTREAL GAZETTE, 3 March 1848.
131. GLOBE, 8 March 1848.
132. MONTREAL GAZETTE, 3 March 1848.
133. PILOT, 4 March 1848.
134. MONTREAL GAZETTE, 3 March 1848.
135. PILOT, 4 March 1848.
136. MONTREAL GAZETTE, 3 March 1848.
137. LA MINERVE, 2 March 1848.
138. GLOBE, 8 March 1848.
139. PILOT, 4 March 1848.
140. LA MINERVE, 2 March 1848.
141. PILOT, 4 March 1848.
142. MONTREAL GAZETTE, 3 March 1848.
143. PILOT, 4 March 1848.
144. MONTREAL GAZETTE, 3 March 1848.
145. PILOT, 4 March 1848.
146. MONTREAL GAZETTE, 3 March 1848.
147. IBID.
148. PILOT, 4 March 1848.
149. IBID.
150. MONTREAL GAZETTE, 3 March 1848, which reported that LaFontaine gave J. H. Cameron "a most severe dressing."
151. MONTREAL GAZETTE, 3 March 1848.
152. IBID.
153. GLOBE, 8 March 1848.
154. PILOT, 4 March 1848.
155. MONTREAL GAZETTE, 3 March 1848.
156. PILOT, 4 March 1848.
157. LA MINERVE, 2 March 1848.
158. PILOT, 4 March 1848.
159. GLOBE, 8 March 1848.
160. PILOT, 4 March 1848.
161. IBID.
162. IBID.
163. GLOBE, 8 March 1848.
164. IBID, which reported that this occurred at eleven o'clock.
165. MONTREAL GAZETTE, 3 March 1848.
166. PILOT, 4 March 1848.
167. MONTREAL GAZETTE, 3 March 1848.
168. PACKET, 4 March 1848.
169. MONTREAL GAZETTE, 3 March 1848.
170. PILOT, 4 March 1848.
171. GLOBE, 8 March 1848.
172. PILOT, 4 March 1848.
173. IBID.

174. GLOBE, 8 March 1848.
175. PILOT, 4 March 1848.
176. GLOBE, 8 March 1848.
177. PILOT, 4 March 1848.
178. IBID.
179. IBID.
180. GLOBE, 8 March 1848.
181. IBID.
182. PILOT, 4 March 1848.
183. IBID. According to GLOBE, 8 March 1848, Boulton "made a very sensible speech for the motion."
184. PILOT, 4 March 1848.
185. IBID.
186. GLOBE, 8 March 1848, which described this speech as "very extraordinary."
187. PILOT, 4 March 1848.
188. According to MONTREAL GAZETTE, 3 March 1848, Guly "was most eloquent in defence of Mr. Norval, and on the injustice of the proceedings." The GLOBE, 8 March 1848, noted his "most astonishing dignity and self-reliance."
189. MONTREAL GAZETTE, 3 March 1848.
190. IBID.
191. IBID.
192. GLOBE, 8 March 1848.
193. PILOT, 4 March 1848.
194. GLOBE, 8 March 1848.
195. PILOT, 4 March 1848.
196. IBID.
197. IBID.
198. GLOBE, 8 March 1848.
199. PILOT, 4 March 1848.
200. GLOBE, 8 March 1848.
201. PILOT, 4 March 1848.
202. IBID.
203. IBID.
204. IBID.
205. IBID.
206. GLOBE, 8 March 1848.
207. PILOT, 4 March 1848, reported that Cameron's words were received with "some impatience."
208. GLOBE, 8 March 1848.
209. The debate on this matter was reported by: LE JOURNAL DE QUEBEC, 4 March 1848; LA MINERVE, 2,6 March 1848; LE CANADIEN, 6 March 1848; PILOT, 4,7 March 1848, and GLOBE, 11 March 1848, in accounts containing some speeches which are identical, and some which are completely dissimilar, some speeches being entirely omitted from GLOBE's account, while some speeches are abbreviated; PROVINCIALIST, 14 March 1848, whose account was copied from GLOBE, 11 March 1848, and in which some speeches are abbreviated, and some speeches are omitted entirely; HAMILTON SPECTATOR, 11 March 1848, and PILOT,

7 March 1848, whose accounts were copied from MONTREAL HERALD, except that some speeches are omitted entirely in HAMILTON SPECTATOR; MONTREAL GAZETTE, 3 March 1848, and MONTREAL TRANSCRIPT, 4 March 1848, which gave an abbreviated version of MONTREAL GAZETTE's account of Notman's speech and summarized the rest of the debate. Commentaries are contained in: MONTREAL GAZETTE, 3 March 1848; PILOT, 4 March 1848, and MONTREAL TRANSCRIPT, 4 March 1848, whose account was copied by HAMILTON SPECTATOR, 11 March 1848. According to LE JOURNAL DE QUEBEC, 4 March 1848, "L'élection d'Oxford est...la...question qui, à 11 heures, attire l'attention de la chambre et qui l'occupe jusqu'à 5 heures." MONTREAL GAZETTE, 3 March 1848, further noted that the "Reporter retired some hours before, so that much of the proceedings were lost to the world."

- 210. PILOT, 4 March 1848.
- 211. IBID.
- 212. MONTREAL GAZETTE, 3 March 1848.
- 213. IBID.
- 214. PILOT, 4 March 1848.
- 215. IBID.
- 216. GLOBE, 11 March 1848.
- 217. IBID.
- 218. PILOT, 4 March 1848.
- 219. GLOBE, 11 March 1848.
- 220. LE JOURNAL DE QUEBEC, 4 March 1848, commented that Notman gave "un discours éloquent."
- 221. PILOT, 4 March 1848.
- 222. MONTREAL GAZETTE, 3 March 1848.
- 223. PILOT, 4 March 1848.
- 224. MONTREAL GAZETTE, 3 March 1848.
- 225. PILOT, 4 March 1848.
- 226. MONTREAL GAZETTE, 3 March 1848.
- 227. PILOT, 4 March 1848.
- 228. MONTREAL GAZETTE, 3 March 1848.
- 229. PILOT, 4 March 1848.
- 230. MONTREAL GAZETTE, 3 March 1848.
- 231. PILOT, 4 March 1848.
- 232. HAMILTON SPECTATOR, 11 March 1848.
- 233. PILOT, 4 March 1848.
- 234. HAMILTON SPECTATOR, 11 March 1848.
- 235. PILOT, 4 March 1848.
- 236. MONTREAL GAZETTE, 3 March 1848.
- 237. PILOT, 4 March 1848.
- 238. HAMILTON SPECTATOR, 11 March 1848.
- 239. PILOT, 4 March 1848.
- 240. HAMILTON SPECTATOR, 11 March 1848.
- 241. PILOT, 4 March 1848.
- 242. HAMILTON SPECTATOR, 11 March 1848.
- 243. MONTREAL GAZETTE, 3 March 1848.
- 244. PILOT, 4 March 1848.

245. MONTREAL GAZETTE, 3 March 1848.
246. HAMILTON SPECTATOR, 11 March 1848.
247. PILOT, 4 March 1848.
248. HAMILTON SPECTATOR, 11 March 1848.
249. PILOT, 4 March 1848.
250. HAMILTON SPECTATOR, 11 March 1848.
251. PILOT, 4 March 1848.
252. HAMILTON SPECTATOR, 11 March 1848.
253. PILOT, 4 March 1848.
254. HAMILTON SPECTATOR, 11 March 1848.
255. PILOT, 4 March 1848.
256. MONTREAL GAZETTE, 3 March 1848.
257. PILOT, 4 March 1848.
258. HAMILTON SPECTATOR, 11 March 1848.
259. PILOT, 4 March 1848.
260. MONTREAL GAZETTE, 3 March 1848.
261. PILOT, 4 March 1848.
262. MONTREAL GAZETTE, 3 March 1848.
263. LA MINERVE, 2 March 1848, described Papineau's delivery of his speech and its reception by the House in these terms: "Il exprime ses vues d'une manière claire et énergique, au milieu du silence que s'établit toujours lorsqu'il se lève."
264. HAMILTON SPECTATOR, 11 March 1848.
265. PILOT, 4 March 1848.
266. HAMILTON SPECTATOR, 11 March 1848.
267. PILOT, 4 March 1848.
268. MONTREAL GAZETTE, 3 March 1848.
269. PILOT, 4 March 1848.
270. HAMILTON SPECTATOR, 11 March 1848.
271. PILOT, 4 March 1848.
272. HAMILTON SPECTATOR, 11 March 1848.
273. PILOT, 4 March 1848.
274. HAMILTON SPECTATOR, 11 March 1848.
275. MONTREAL GAZETTE, 3 March 1848.
276. HAMILTON SPECTATOR, 11 March 1848.
277. PILOT, 4 March 1848.
278. HAMILTON SPECTATOR, 11 March 1848.
279. PILOT, 4 March 1848.
280. MONTREAL GAZETTE, 3 March 1848.
281. PILOT, 4 March 1848.
282. HAMILTON SPECTATOR, 11 March 1848.
283. PILOT, 4 March 1848.
284. HAMILTON SPECTATOR, 11 March 1848.
285. PILOT, 4 March 1848.
286. HAMILTON SPECTATOR, 11 March 1848.
287. PILOT, 4 March 1848.
288. HAMILTON SPECTATOR, 11 March 1848.
289. PILOT, 4 March 1848.
290. HAMILTON SPECTATOR, 11 March 1848.
291. PILOT, 4 March 1848.

- 292. MONTREAL GAZETTE, 3 March 1848.
- 293. HAMILTON SPECTATOR, 11 March 1848.
- 294. PILOT, 4 March 1848.
- 295. MONTREAL GAZETTE, 3 March 1848.
- 296. HAMILTON SPECTATOR, 11 March 1848.
- 297. PILOT, 4 March 1848.
- 298. MONTREAL GAZETTE, 3 March 1848.
- 299. PILOT, 4 March 1848.
- 300. MONTREAL GAZETTE, 3 March 1848.
- 301. HAMILTON SPECTATOR, 11 March 1848.
- 302. MONTREAL GAZETTE, 3 March 1848.
- 303. HAMILTON SPECTATOR, 11 March 1848.
- 304. PILOT, 4 March 1848.
- 305. HAMILTON SPECTATOR, 11 March 1848.
- 306. PILOT, 4 March 1848.
- 307. HAMILTON SPECTATOR, 11 March 1848.
- 308. PILOT, 4 March 1848.
- 309. HAMILTON SPECTATOR, 11 March 1848.
- 310. PILOT, 4 March 1848.
- 311. HAMILTON SPECTATOR, 11 March 1848.
- 312. PILOT, 4 March 1848.
- 313. MONTREAL GAZETTE, 3 March 1848.
- 314. PILOT, 4 March 1848.
- 315. IBID.
- 316. MONTREAL GAZETTE, 3 March 1848.
- 317. HAMILTON SPECTATOR, 11 March 1848.
- 318. MONTREAL GAZETTE, 3 March 1848.
- 319. PILOT, 4 March 1848.
- 320. HAMILTON SPECTATOR, 11 March 1848.
- 321. PILOT, 4 March 1848.
- 322. IBID.
- 323. HAMILTON SPECTATOR, 11 March 1848.
- 324. PILOT, 4 March 1848.
- 325. HAMILTON SPECTATOR, 11 March 1848.
- 326. PILOT, 4 March 1848.
- 327. IBID.
- 328. IBID.
- 329. IBID.
- 330. IBID.
- 331. HAMILTON SPECTATOR, 11 March 1848.
- 332. IBID.
- 333. IBID.
- 334. PILOT, 4 March 1848.
- 335. HAMILTON SPECTATOR, 11 March 1848.
- 336. PILOT, 4 March 1848.
- 337. HAMILTON SPECTATOR, 11 March 1848.
- 338. PILOT, 4 March 1848.
- 339. MONTREAL GAZETTE, 3 March 1848.
- 340. HAMILTON SPECTATOR, 11 March 1848.
- 341. PILOT, 4 March 1848.

- 342. HAMILTON SPECTATOR, 11 March 1848.
- 343. PILOT, 4 March 1848.
- 344. HAMILTON SPECTATOR, 11 March 1848.
- 345. PILOT, 4 March 1848.
- 346. HAMILTON SPECTATOR, 11 March 1848.
- 347. PILOT, 4 March 1848.
- 348. HAMILTON SPECTATOR, 11 March 1848.
- 349. IBID.
- 350. IBID.
- 351. PILOT, 7 March 1848.
- 352. GLOBE, 11 March 1848.
- 353. IBID., which commented that Boulton rose "with pain and distraction painted on his brow".
- 354. PILOT, 7 March 1848.
- 355. GLOBE, 11 March 1848.
- 356. PILOT, 7 March 1848.
- 357. GLOBE, 11 March 1848.
- 358. PILOT, 7 March 1848.
- 359. IBID.
- 360. IBID.
- 361. IBID.
- 362. GLOBE, 11 March 1848.
- 363. PILOT, 7 March 1848.
- 364. GLOBE, 11 March 1848.
- 365. PILOT, 7 March 1848.
- 366. IBID.
- 367. IBID.
- 368. IBID.
- 369. IBID.
- 370. IBID.
- 371. IBID.
- 372. IBID., which reported that it was MacNab who seconded the motion.
- 373. PILOT, 7 March 1848, noted: "The motion having at last found a seconder in Mr. Malloch".
- 374. PILOT, 7 March 1848, reported: "almost unanimously".
- 375. PILOT, 7 March 1848.
- 376. IBID.
- 377. IBID.
- 378. IBID.
- 379. IBID.
- 380. IBID.
- 381. IBID.
- 382. IBID.
- 383. GLOBE, 11 March 1848.
- 384. PILOT, 7 March 1848.
- 385. GLOBE, 11 March 1848.
- 386. IBID.
- 387. PILOT, 7 March 1848.
- 388. IBID.
- 389. IBID.

390. GLOBE, 11 March 1848.
391. IBID.
392. PILOT, 7 March 1848.
393. According to GLOBE, 8 March 1848, this occurred at "25 minutes to 5".
394. According to GLOBE, 8 March 1848, this occurred at "15 minutes to 5".
395. According to GLOBE, 8 March 1848, this occurred at "10 minutes to 5". The GLOBE, 11 March 1848, further reported: "Mr. Carroll, during the debate, sat behind the Speaker's chair; and, on the 7th Resolution being carried, he got up, all eyes staring at him, and sloped, dashing the door to after him. An exclamation seemed to burst forth from everyone, 'Well, I would not stand in that man's shoes for'---".
396. PILOT, 7 March 1848, noted: "shortly before 5 o'clock on Thursday morning..."

THURSDAY, 2 MARCH 1848.

3 O'Clock, P.M.

(12)

Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of George B. Hopper and others, of the Township of Nepean.

By the Honorable Mr. Boulton,--The Petition of W.H. Boulton, Esquire, Mayor, on behalf of a Meeting of the Inhabitants of the City of Toronto.

By Mr. DeWitt,--The Petition of William Kirk and others, of the Townships of Hemmingford and Sherrington.

By the Honorable Mr. Macdonald,--The Petition of John Counter, Esquire, and others, of the City of Kingston (Gas Light.)

By Mr. Guillet,--The Petition of David Trudel and others, of the Parish of Ste. Geneviève de Batiscan.

By Mr. Price,--The Petition of Joseph Richard Thompson, of the Township of Brock, in the Home District.

By Mr. Marquis,--The Petition of the Reverend C. Gauvreau and others, of Rivière Ouelle, and adjoining Parishes.

By Mr. Merritt,--The Petition of Philip Wismer and others, of the District of Niagara; the Petition of David Palmer and others, of the Township of Grimsby, in the District of Niagara; and the Petition of Samuel Wood and others, of Grantham, and other Townships in the District of Niagara.

By the Honorable Mr. Papineau,--The Petition of Louis Edward Pacaud, Esquire, Commissioner of the Bankrupt Court for the District of Three Rivers; the Petition of Joseph Boucher de Niverville, of Three Rivers, Esquire, Captain of the Indian Corps during the late war with the United States; and the Petition of the Reverend Messire Lebourdais and others, of St. Antoine de la Rivière du Loup and other Parishes, in the County of St. Maurice.

By the Honorable Mr. Hincks,--The Petition of the Municipal Council of the District of Brock (University of King's College); the Petition of the Municipal Council of the District of Brock (Boundaries;) and the Petition of the Municipal Council of the District of Brock (Courts of Assize.)

By Mr. Brooks,--The Petition of D. Thomas and others, of the Townships of Shipton and Melbourne, County of Sherbrooke.

By Mr. Wilson,--The Petition of the Rector and Church Wardens of St. Paul's Church, London, in the District of London; and the Petition of L. Lawrason and others, of the Town of London.

By Mr. Chauveau,--The Petition of Guillaume Robitaille and others, of L'Ancienne Lorette; the Petition of Antoine Légaré and others, Members of the Association of Teachers of the District of Quebec; and the Petition of the Reverend John Cook, President of the Quebec Library Association.

By Mr. Davignon,--The Petition of M. Townsend and others, Directors of the Clarenceville Academy.

By Mr. Drummond,--The Petition of Alphonso Wells, Esquire, late Commissioner on the part of Canada, for determining the Boundary line

between Canada and New Brunswick.

By Mr. Duchesnay,--The Petition of the Reverend John O'Grady and others, of Ste. Catherine de Fossambault; and the Petition of J. E. Pageot and others, of the Parish of L'Ancienne Lorette, in the County of Portneuf.

Petitions
read.

Pursuant to the Orders of the day, the following Petitions were read:--

Of J. B. C. Dupuis and others, landholders of the Counties of L'Islet and Bellechasse; praying for the establishment of a permanent and less expensive system of Judicature in the more remote parts of the Province.

Of Pierre Dequise, of the Parish of St. Thomas; praying remuneration for his services as Clerk of the Municipal District of St. Thomas.

Of the Municipal Council of the District of Johnstown; praying that the Municipal Councils of Upper Canada may be authorized to levy an assessment, not exceeding one-eighth of a penny in the pound, for the support of the poor.

Of John T. Cooper and others, freeholders of the Townships of Walpole and Rainham; praying aid to improve the Post Road from Dunville to Port Dover.

Of William Fitch and others, freeholders of the County of Haldimand; praying a more equal Representation in Parliament, and that the number of Representatives may be increased.

Of the Municipal Council of the District of Wellington; praying the adoption of means to prevent a recurrence of the calamity of the last year, by the influx of pauper Emigrants,--and for the encouragement of a better class of Emigrants.

Of the Municipal Council of the District of Wellington; praying that no division may be made of the said District.

Of the Municipal Council of the District of Wellington; praying that the Law relating to Township Officers may be so amended as to authorize the Township Clerk in each Township to receive the returns of the Pathmasters upon their declarations.

Of the Municipal Council of the District of Wellington; praying for certain amendments to the Common School Act.

Of the Municipal Council of the District of Wellington; praying that the Assessment Rolls may be made out by an officer who shall be amenable to the District Council.

Of John D. Bostwick and others, of the District of St. Francis; complaining of the non-payment of Jurors in Canada East, and praying a remedy for the evil.

Of A. W. Kendrick and others, of the Township of Compton, in the District of St. Francis; praying aid for an Academy to be established in the said Township.

Of D. AE. Macdonell, Esquire, candidate at the late Election of a Member for the County of Stormont, and others, Electors of the said County; setting forth:--That the Petitioners are under the necessity of bringing under the notice of the House, the circumstances in connection with the late Election for the return of a Member to represent the County of Stormont in the third Provincial Assembly of the Province of Canada;

which Election, the Petitioners are prepared to prove, has been corrupt and illegal, tending to deprive the said County of Stormont of its fair representation in the Provincial Assembly, and to set at nought the various laws providing for the representation of the people of the Province by localities, and also the laws for the freedom of Election: That the Petitioners would draw under the notice of the House, that the Proclamation for the holding of the Election for the return of a Member to the Provincial Assembly for the County of Stormont, was made on Thursday the 9th of December, for the holding of the Election for the said County of Stormont on the 16th day of the said month of December, 1847 thereby only giving six days notice of the time and place of holding the said Election; this proceeding, on the part of the Returning Officer, has been in violation of the ninth section of an Act of the Legislature of the Province of Canada, intituled, "An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned." By this proceeding, on the part of the Returning Officer,

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the County has been taken by surprise, and many freeholders prevented from recording their votes: That the Petitioners have to complain of the injustice that has been done to the Electors of the County of Stormont, by James Pringle, Esquire, the Returning Officer for the said County of Stormont, who instructed the Deputy Returning Officer of the Township of Cornwall to record the votes of those persons who polled their votes on property situated within the Town Plot of Cornwall, which said Town is represented in the Provincial Assembly; and such proceeding is the more glaring on the part of the Returning Officer, as the said parties had, at the same period, voted for the return of a Member to represent the said Town of Cornwall: That such proceeding on the part of the Returning Officer, is, in the opinion of the Petitioners, in direct contravention of the following enactments, viz.: the 31st of George 3rd, chapter 31, and the 3rd and 4th of Victoria, chapter 35; and also, of a certain other Act passed by the Legislature of the Province of Canada, the 10th day of February, 1845, defining the limits of Counties and Districts in Upper Canada: That the Petitioners also complain that James Pringle, of the Town of Cornwall, Esquire, who had been appointed as Returning Officer for the County of Stormont, could not legally discharge the duty of Returning Officer for the said County, as he is not a freeholder in the said County, nor has he resided therein for twelve months prior to the Election, as is required by the 13th section of an Act of the Provincial Legislature, intituled, "An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned:" That the Petitioners are prepared to prove that many votes polled for the sitting Member, Alexander M'Lean, were not entitled to vote for the return of a Member to represent the County of Stormont in the third Provincial Assembly of the Province of Canada, exclusive of such voters who polled upon property within the Town Plot of Cornwall, and that the conduct of the Returning Officer has been illegal and unjust: And that, on the sixteenth day of December, the day of nomination for candidates for the representation of the County of Stormont in the

Provincial Assembly, that R. K. Bullock, one of the Deputy Returning Officers, did use force and violence to intimidate the friends of Donald AE. Macdonell, a candidate as aforesaid, by seizing in a violent manner one of the said Donald AE. Macdonell's friends, and drawing him from the place where the nomination took place; and praying that the premises may be enquired into by the House, and that the return of Alexander MacLean, as Representative to the Provincial Assembly for the County of Stormont may be cancelled, and that Donald AEneas Macdonell, a candidate for the said County of Stormont, may be declared duly elected, as having a majority of the legal votes of the County of Stormont; or that a Writ may forthwith issue for a new Election for the said County of Stormont.

Of Charles Rattray, Esquire, and others, Electors of the Town of Cornwall, setting forth:--That the Petitioners are, and, at the last Election of a Member for the Town of Cornwall to serve in the Legislative Assembly, were freeholders and leaseholders in the said Town, and claim to have had a right to vote at the said Election, wherein the Honorable John Hillyard Cameron was elected, and returned by a majority of sixteen votes, to serve in Parliament as a Member for the said Town: That the notice of eight days required by law, to be given previously to the Election, was not given,--the time between its publication and the Election being seven days: That the return of the said John Hillyard Cameron was effected partly through means of bribery, corruption, and intimidation; that a number of illegal votes were polled in his favour; that a Member of the Legislative Council was allowed to record his vote in favor of the said John Hillyard Cameron on that occasion; and that several votes were recorded in his favour upon property under the value fixed by law: That other votes were recorded in his favour, upon lots on which small wooden frames, unfit for the habitation of any human being, had been but a few hours previously drawn for the purpose of making votes; that one of such houses was used as a slaughter house but a few days previously, and was in such a state of dilapidation as to render it scarcely safe to risk its removal; that it was drawn from its place to a vacant lot during the Election, although it contained neither window, floor, chimney, partition or roof; that its alleged owner was permitted to regard it as a dwelling house, and to record his vote upon it as such for the said John Hillyard Cameron; and next day it was dragged back to its former place and use: And, lastly, that although the said John Hillyard Cameron was personally present at such Election, his qualification was made before a Magistrate, and not before the Returning Officer: That under such circumstances the Petitioners consider themselves aggrieved; and feel that by the return of the said John Hillyard Cameron, as aforesaid, their rights as voters had been set aside; and praying such relief in the premises as to the wisdom of the House may seem just.

Of David Bruce and others, of the Town of Pictou, in the District of Prince Edward; praying that the Act incorporating the said Town may be repealed.

Of the Municipal Council of the District of Victoria; praying that the expenses of the Administration of Justice in Canada West may

be defrayed out of the Provincial Chest, as they are in Canada East.

Of the Municipal Council of the District of Victoria; praying aid for the construction of a Road from Belleville through the said District to its rear.

Of the Municipal Council of the Home District; praying for a reduction of the fees and emoluments of the Registrars of the Counties, and that they may be empowered to erect building suitable for Registry Offices.

Of Nathan S. Coho of Middleton, in the District of Talbot; representing that he is still suffering from a wound received in the Militia Service, during the War of 1812, and praying a Pension.

Of William Davis and others, of the City of Toronto, tavern-keepers; praying for the passing of a law to prevent the selling of Beer, Ale, and other Liquors without a license.

Of James Robertson and others, of the Townships of Clarke and Hope, in the District of Newcastle; praying to be incorporated as "the President, Directors, and Company of the Port Granby Harbour," with certain rights and privileges.

Of the St. Lawrence and Atlantic Railroad Company; praying for the passing of an Act to secure Public Provincial Aid to the said Company.

Of the Mayor and Secretary of the Municipal Council of the County of Rimouski; praying that the said County may be divided for the purposes of registration, and the sale of Crown Lands.

Of the Mayor and Secretary of the Municipal Council of Rimouski; praying that a sufficient number of the Acts referring to the duties of Parish Officers be printed and distributed among the Municipal Councils.

Of the Reverend P. Routier and others, of St. Louis de Kamouraska; praying for an Act to prevent shooting certain Game at improper seasons of the year.

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Montreal Corporation Petition referred.

Resolved, That the Petition of the Mayor, Aldermen and Citizens of the City of Montreal, be referred to a Select Committee, composed of Mr. Holmes, Mr. Leslie, Mr. DeWitt, the Honorable Mr. LaFontaine, and Mr. Jobin, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Emigration Bill.

An Engrossed Bill to make better provision with respect to Emigrants, and for defraying the expenses of supporting Indigent Emigrants, and of forwarding them to their place of destination, and to amend the Act therein mentioned, was read the third time.

Ordered, That the Bill be now re-committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Watts took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Watts reported, That the Committee had gone through the Bill, and made Amendments thereunto.

Ordered, That the Report be now received.

Mr. Watts reported the Bill accordingly; and the Amendments were read and agreed to.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Badgley do carry the Bill to the Legislative Council and desire their concurrence.

Gaspé Judicature Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to amend the Gaspé Judicature Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Bill relating to Letters Patent for Lands. (L.C.)

Ordered, That Mr. Christie have leave to bring in a Bill relating to Letters Patent, whereby any Waste or other Public Lands in Lower Canada are granted; to simplify the process of Land granting, and to render the same

more expeditious and less expensive than heretofore.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Consideration of Speech deferred.

The Order of the Day for taking into consideration the Speech of His Excellency the Governor General, delivered to both Houses of the Provincial Legislature at the opening of the present Session,

being read;

MR. INSP. GEN. CAYLEY—moved, seconded by MR. AT. GEN. SHERWOOD, that the debate on the Address, which was on the orders of the day, should be postponed, and placed first on the orders of the day for Friday.¹

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Ordered, That the said Order of the day be postponed until to-morrow; and that it be then the first Order of the day.

MR. RICHARDS—² apprehended that there would be little difficulty in disposing of the matter of the Kent election after the manner in which the House had dealt with similar cases. On reference to the poll-books and documents which had been laid on the table of the House, Hon. gentlemen would find that at the election for the County of Kent there were 1079 votes given for Mr. Malcolm Cameron and 540 for the Hon. John Hillyard Cameron, being a majority of 539 for Mr. Malcolm Cameron. The Returning Officer had nevertheless thought proper to make a special return of the fact that one of the candidates was not at the time of the late election properly qualified. It appeared to him that after the decision((s)) that had been come to in the case of the Beauharnois

election³ and in the Oxford case,⁴ there would be little objection to decide this matter in the same way⁵ as the facts as to Kent were very similar, and the redress he asked precisely the same. Mr. Malcolm Cameron was opposed by the Solicitor-General--was present at the nomination, when he was prepared with his qualification, but no demand was made for it--although that was the only time when it could legally be demanded. Some days after, however, while the polling was going on, Mr. M. Cameron's qualification oath was demanded at one or more of the Township Polling places, and of course it was not there--but at the declaration, Mr. Cameron to satisfy the conscience of the over scrupulous, handed his qualification papers to the Returning Officer. Mr. George Wade Foott, however, was not satisfied with this--his conscience was troubled as to whether he could return Mr. Cameron, although he had a majority of 539 votes, and although his proceedings were strictly according to the statute. He was daring enough to make no return, and it was for the House to do justice at once to Mr. Cameron.⁶ Let this question of qualification be tried by a Grenville Committee, or in any other way which the House thought proper; but in the meantime the seat for the County of Kent being vacant, it would not be contended by the most acute lawyer on the opposite side of the House that this was a case which the House could not take up, or that there was any objection to giving that County a representative on the floor of the House.⁷ The Hon. and learned gentleman then moved:--

Resolved, 1st.--That in obedience to a writ of election duly issued and returnable on the 24th. of Jan., in the present year, an election was held for the County of Kent, on the 13th January last.

2nd.--That Malcolm Cameron Esq., and the Hon. John Hillyard Cameron, were proposed and seconded, and were candidates at such election.

3rd.--That a Poll was demanded and allowed by the Returning Officer, according to law, and that the said Poll was taken in the several Townships, comprised within the said County.

4th.--That it appears by the said Poll-books returned to the Clerk of the Crown in Chancery, with the said writ of election, that one thousand and seventy-nine votes were recorded for the said Malcolm Cameron, and five hundred and forty votes for the said Hon. John Hillyard Cameron, and, therefore, that the said Malcolm Cameron had a majority of votes, and that, notwithstanding this, the said Returning Officer, George Wade Foott, Esq., did not declare and return the said Malcolm Cameron, as duly elected.

5th.--That the said Malcolm Cameron ought to have been returned as Knight representative for the County of Kent, in the present Parliament.

6th.--That the said Malcolm Cameron has a right to take his seat in this House, as representative for the said County of Kent, saving, however, to all candidates and electors, their right of contesting the said election, if they think proper, in such manner as may appertain in law and justice, and according to the usage of Parliament.

7th.--That the Clerk of the Crown in Chancery do forthwith appear

before this House, and do amend the return for the said County of Kent, by stating that at the said election, the said Malcolm Cameron was duly elected to represent the said County of Kent.⁸

MR. INSP. GEN. CAYLEY--stated on behalf of his hon. friend the Solicitor General, who was absent from illness, and who was the opposing candidate, that he had nothing to urge against the course which the House might chose (sic) to take, excepting to this decision being given before any other tribunal than a Grenville Committee⁹ ((and)) the rights of any electors who might choose to petition, being of course reserved.¹⁰

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On motion of Mr. Richards, seconded by Mr. Scott of Bytown,
Kent Election. Resolved, That in obedience to a Writ of Election
 duly issued, and returnable on the twenty-
 fourth day of January, in the present year, an Election was held for the
 County of Kent, on the thirteenth day of January last.

On motion of Mr. Richards, seconded by Mr. Smith of Durham,
Resolved, That Malcolm Cameron, Esquire, and the Honorable John Hillyard
Cameron, Esquire, were proposed and seconded, and were candidates
 at such Election.

On motion of Mr. Richards, seconded by Mr. Morrison,
Resolved, That a Poll was demanded and allowed by the Returning Officer,
 according to law, and that the said Poll was taken in the several
 Townships comprised within the said County.

On motion of Mr. Richards, seconded by Mr. Wetenhall,
Resolved, That it appears by the Poll Books, returned to the Clerk of
 the Crown in Chancery with the said Writ of Election, that one
 thousand and seventy-nine votes were recorded for the said Malcolm
Cameron, and five hundred and forty votes for the said Honorable
John Hillyard Cameron, and therefore that the said Malcolm Cameron
 had a majority of votes; and that, notwithstanding this, the said
 Returning Officer, George Wade Foote, Esquire, did not declare and
 return the said Malcolm Cameron as duly elected.

On motion of Mr. Richards, seconded by Mr. Bell,
Resolved, That the said Malcolm Cameron ought to have been returned as
 Knight Representative for the County of Kent, in this present Parlia-
 ment.

On motion of Mr. Richards, seconded by Mr. Notman,
Resolved, That the said Malcolm Cameron has a right to take his seat in
 this House as Representative for the said County of Kent; saving,
 however, to all candidates and Electors their right of contesting
 the said Election, if they think proper, in such manner as may
 appertain in law and justice, according to the usage of Parliament.¹¹

On motion of Mr. Richards, seconded by Mr. Burritt,
Ordered, That the Clerk of the Crown in Chancery do attend this House
 forthwith, and amend the Return for the said County of Kent, by

stating that at the said Election the said Malcolm Cameron was duly elected to represent the said County of Kent.

The Clerk of the Crown in Chancery attended according to Order, and amended the Return for the County of Kent.

Mr. Cameron *Malcolm Cameron, Esquire, Member for the County of Kent, having previously taken the oath, according to law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.*

MR. RICHARDS--then rose and congratulated the House and the country on the summary justice which they had been enabled to render in the three cases of gross impropriety which had come under their notice. He believed the proceedings of these two evenings would have a good effect¹² in showing the whole country that the House was not disposed to recognize by any vote of theirs any improper conduct on the part of any officer in the performance of his duty. (Hear, hear.)¹³ It would show that there was justice to be had in this House, though from the proceedings of last Parliament many might very reasonably doubt it. But it was necessary to go further, and give a lesson to Returning Officers--to show them that the rights of the people were not to be quibbled away, or members kept out of their seats and put to inconvenience by their unauthorized proceedings.¹⁴ Thus far they had proceeded with unanimity, and he trusted that the resolution which he should now propose would also be supported with unanimity. He was more confident in his appeal to the House to be unanimous on this point, when, by referring to the Journals of this House, he found that an individual bearing the same name as this Returning Officer had, at a previous election, committed one of these amiable weaknesses in favour of a Montreal candidate. (Loud cries of "Hear, hear.") He thought that they should endeavour to show to individuals thus acting that though they might desire to evince to the Executive Government, or to individual candidates, that they were willing to sacrifice their duty and violate the principles of the constitution under which they were serving, the House could not sanction it. (Hear, hear.) In the present instance, he did not wish to insinuate that it was the desire of his hon. friend the Solicitor General that any such service should be rendered to him; he had made the remark in justice to his hon. friend, whose absence he was sorry to observe; nevertheless, he called upon the House to express in a marked manner their disapprobation of the conduct of the Returning Officer whom they had reason to suppose had thus proceeded. It was also a matter of surprise that this individual who was Sheriff of the County, and might have been presumed to have made some little inquiry as to the duties which appertained to that office in England, should on two different occasions have exhibited such gross ignorance of his proper duties. He hoped that under these circumstances the House would have no objections to summon him to the Bar to answer for his conduct¹⁵ and that the hon. member for Hamilton would give him (Mr. Richards) his support in this motion.¹⁶ He then moved that George Wade Foot (sic), Returning Officer for the County of Kent, be summoned to the Bar of the House.¹⁷

MR. PRICE--seconded the motion.¹⁸

COL. PRINCE--opposed the motion. Mr. Foott was an intimate friend of his, he sympathized with him, and especially (sic) so as no blame could be attached to him in the premises. Mr. Foott had, undoubtedly, acted wrong. Mr. Malcolm Cameron should have been returned, but¹⁹ ((he, Col. Prince)), believed that he should be able to shew to the House that he was not to blame in this matter--at any rate, not from any wilful misconduct on his part²⁰. In acting in the manner he had, he was acting under the advice of his legal friend²¹. It was a mere error in judgment, and arose from no desire to act improperly²². He thought that would avail him nothing;²³ he was very much afraid that ... all arguments would avail but little for any Sheriff or Returning Officer, (Hear, hear.)²⁴ But he thought he would be supported in all he was about to state by Mr. Richards.²⁵ At the same time he did not despair of being able to show that if Sheriff Foot (sic) had done wrong on this occasion, he had erred from his desire to make a false or improper return, and he should be justified in the observations he should make, because the hon. gentleman who now represented, and improperly so, that large and important constituency would bear ((out)) his testimony that there was nothing unfair or partial during the whole election. The duties of the Returning Officer were not so very simple as hon. gentlemen believed²⁶ as a good knowledge of Parliamentary Law is required²⁷. He (Col. Prince) agreed with the hon. member for Middlesex that there were some Returning Officers who got into these scrapes because they fancied they knew a great deal of law; and in the law, as in everything else, "a little learning is a dangerous thing"²⁸, and ignorance often leads them into error.²⁹ He was afraid a great many Returning Officers--though he by no means wished to apply the observation to Mr. Foot (sic) did fancy that they did possess a little legal learning, which, in small quantities, was the most dangerous of all learnings, when they ought to have taken the advice of those who could have directed them aright, and he would first ask whether it was possible that Sheriff Foot (sic) could have any sinister motive in making this return?--³⁰ and secondly, whether in making the Return he did not think he was making a proper Return,³¹ the best return he could make under the circumstances? He would read to the House a letter which he had received two days ago from Mr. Foot (sic), accompanied by the letter from his legal adviser, upon which he had acted, and he (Col. Prince) believed that when he had submitted these letters to the House, they would not sanction or carry this resolution.³² ((The letter began:)) "Dear Sir,--Hoping I had not broken my neck on the way down, which is a very great wonder I did not, Mr. Speaker;³³ ((and Col. Prince said that further on Mr. Foott)) stated that it was the intention of certain parties to oppose the return of Mr. Cameron on his return for the County in case of his becoming a Minister of the Crown, but that he had told them plainly that they would not have a shadow of a chance--that the opposition would only cause delay and expense, and that, as far as he was concerned, he should do what he could to prevent it. (Loud cries of "Hear, hear.")³⁴ ((He quoted)) Mr. Cameron's words, bearing testimony to the impartial way in which the Returning Officer and his Deputies had done their duty³⁵. There

was also enclosed in the letter³⁶ the opinion of a lawyer named Alex T. McLean ... a young Lawyer of eminence in his profession, practising in the town of Chatham-- a Lawyer of eminence, at least "in such a country as Canada"³⁷, of several years³⁸ high standing in that district whom he had consulted before making his return. This opinion was, that he should not declare either of the parties duly elected, but make a return of the facts to the House and let the House decide upon them.³⁹ The qualifications of Mr. Cameron being asked, and not forthcoming, he did what all would do, and on the advice of a lawyer⁴⁰. He (Col. Prince) thought it very much to be regretted that Mr. Foot (sic) had not acted on his own judgment, which would have led him to decide that Mr. Cameron should take his seat. But had the Returning Officer no discretion in this matter? Was it urged that he had none at all--that he was a mere automaton? If this were alleged, then he had no power to reject a candidate refusing to produce his qualification. Let not the previous transactions which had been referred to prejudice the House; let not the circumstance attending the election of 1841, and which had created a deal of discussion at the time, create a prejudice against Mr. Foot (sic), as the House had at that time exculpated him and refused to bring him to their bar. Let tenderness be shown to this Returning Officer. He agreed with the hon. member for Quebec that the man who had impeded the progress of anyone elected to that House by a majority of votes should be damned. He would go all lengths with his hon. and learned friend, but was there anything in the case to justify such a proceeding? This was not the case of the Oxford, or Beauharnois, or Three Rivers elections. The Returning Officer had taken the advice of a lawyer on the occasion, and that advice was, that he should make a special return. He trusted that whatever had been the feeling of the House yesterday, that there would be nothing like persecution in this case, but that if the House believed that Mr. Sheriff Foot (sic) had acted bona fide on advice bona fide taken, they would not pass this resolution. He hoped his hon. and learned friend would drop it.⁴¹ He called on the member for Kent to say whether Mr. Foott had not behaved with perfect impartiality during the contest--indeed he was informed that the hon. gentleman had stated so on the Hustings at the declaration.⁴²

MR. CAMERON--could not possibly keep silent after the statement which had just been made. He agreed with the hon. member for Essex as to the position in which the Sheriff had placed himself, and he should be the last to desire persecution on this or any other occasion.⁴³ He might personally be ready to pass over the conduct of Mr. Foott.⁴⁴ But the statement of fact which had been set before the House--for although part of the facts were correct, still this whole statement had a meaning entirely different from the truth--and when he pointed out one or two circumstances which had been set forth at public meetings since held in different parts of the county, it would be easily perceived by the House that he could never dare to show his face in that county again⁴⁵ among his outraged constituents⁴⁶, did he not endeavour to obtain justice for those who felt that they had been grossly and corruptly injured? (Hear, hear.) True that in the appointments generally of deputy returning

officers, and in the discharge of their duty generally, he had no fault to find; but not altogether so; for he should have the honour of presenting a petition against one deputy returning officer who refused to record a vote for him, after his qualification had been made, on the second day of polling. But the appointments generally had been satisfactory, and the election had been peacefully conducted. He had no fault to find with the manner in which the election was conducted throughout the county up to the time of the day of declaration⁴⁷ and he could prove that all had been concocted before hand, and if the qualification had been required of him in the back Townships how would he have been situated.⁴⁸ But it would be set before the House in evidence when the Sheriff was called to the bar of that House, that the Sheriff and other parties⁴⁹ on the Conservative side, from the first, had offered bets⁵⁰ of large sums of money⁵¹ that he would not be elected. They had stated every where throughout the county that they knew better; that he would not be returned; that he would not take his seat in that House⁵², and other measures of the most vile description ((were)) taken to prevent his return.⁵³ Bets would have been taken by his (Mr. M. Cameron's) friends that he would have a majority; but they were declined, and⁵⁴ why was this? Because something was known--something which had been concocted at Oxford--(hear, hear)--that was to prevent him (Mr. C.) from taking his seat. Don't tell him that there was no scheming--no planning--in the matter.--What had induced the hon. Solicitor General to send his qualifications to every one of the twenty polling places in the county?⁵⁵ He would ask the House if any other man of the eighty-four who had seats in it had taken that precaution, or thought it necessary?⁵⁶ If not, there must have been a preconcerted plan; or, at all events, the hon. and learned Solicitor General⁵⁷ or his friends⁵⁸ had concocted this scheme for the purpose of having a majority at the opening of Parliament⁵⁹ to be maintained by Election Committees similar to those of the last Parliament⁶⁰. He charged the Solicitor General West with concocting this scheme for the purpose of keeping him out of Parliament till after the Election of a Speaker.⁶¹ Five members had been excluded by the conduct of these returning officers and what might not have been the result if parties had been equally divided? Were the returning officers to set the public opinion of the Province at defiance? Were they to pretend, at the last day of the elections, that they had doubts as to their duty? But the officer in this case could not plead ignorance;--the hon. member for Essex had not pleaded ignorance for him, for he had been returning officer three or four times before.⁶² Had he at any previous election ever required this method of qualification⁶³ at every polling place⁶⁴ which he at this last election affected to consider necessary?⁶⁵ Had he ever had any doubt before as to its being his duty to return the candidate having a majority of votes at the poll? Had he not, too, if he was in doubt, an opportunity of consulting the Solicitor General himself?--which he (Mr. C.) had advised him to do. Would not that gentleman's advice have been at least equal to Mr. McLean's? He should be sorry indeed to speak unsparingly of Mr. McLean in this matter⁶⁶ but ... he could not hear ((him)) described as an eminent

counsel, without smiling at the idea.⁶⁷ When his hon. and learned friend spoke of him as an "eminent lawyer" he could hardly believe him to be in earnest.⁶⁸

COL. PRINCE--I said eminent for this country. (Much laughter.)⁶⁹

MR. CAMERON--had said that he should be extremely sorry to say anything disparagingly of Mr. MacLean, but he thought the House would have been much better satisfied if Mr. Foot (sic) had obtained the opinion of the Solicitor General himself. (Hear, hear.) He had pressed him to do it;⁷⁰ he had gone over the act with him, and asked him whence he drew his opinions--asked him whether anyone had demanded his (Mr. Cameron's) qualification. Mr. Foott could not answer these questions,⁷¹ ((he)) had admitted that it never had been demanded, but had said that it might have been in some other townships⁷² and that he knew little of Parliamentary law.⁷³ He would ask the hon. member for Essex if he had ever any trouble of this kind? He would ask him if he ever dreamt that he could be in twenty different places at once to give in his qualification, or to have agents there to swear to it? The law only said so that persons should present themselves as candidates who were not eligible to be elected. The qualification must be demanded before the election commenced. It was ridiculous to allow the election to go, and votes to be polled throughout the whole county, and then, on the last day, find out that the candidate was not qualified. (Hear, hear.) It was perfectly clear that there was a preconcerted plan to have the Solicitor General's qualification at all these various polling places: then, again, the Sheriff's servant had carried round their notice, and his son had taken an active part in the election, carrying about the handbills of his antagonist. In conclusion,⁷⁴ to show the opinion throughout the county of Kent, as to the impartiality of Mr. Foott's conduct,⁷⁵ Mr. Cameron stated that it was a notorious fact, that public meetings had been held all over the county, at which the people had declared that the conduct of Mr. Foott rendered it improper for him to hold office, and that they intended to petition against his being allowed to hold any situation of trust in the county. He thought, then, that the House could have no doubt of the necessity of summoning Mr. Foott to the Bar to give an explanation of his conduct. He should not have said so much, had he not felt what he started with in the beginning, that he would not dare return to that county if he had not endeavoured to give expression to the feelings of the people of that county. He knew of no subject that it would be more dangerous for the House to trifle with than this question of Returning Officers. (Cheers.)⁷⁶

MR. AT. GEN. SHERWOOD--had at first felt disposed to vote with the hon. member for Essex on this resolution, but there was a difference between this case and the case of Mr. Norval, the Returning Officer for Beauharnois. In that case⁷⁷ Mr. Aylwin said, he had no charges to make against the Returning Officer;⁷⁸ it was not pretended that he had done wrong, but merely that he had made a mistake, and must be brought to the bar to be told of it. When his hon. friend, the member for Essex, sat down, he (Mr. S.) had thought that this was a similar case, but the

hon. member for Kent had in his place charged the Returning Officer for Kent with corruption. He had declared that he would be prepared to prove that he had circulated addresses or something of the sort, in order to promote the views of the opposite candidate--that he had ((been)) assisted, by his servants, in distributing the affidavits of qualification to the different polling places for that candidate.⁷⁹ An opportunity should be given for the hon. gentleman to prove his charges.⁸⁰ If any gentleman in that House could prove corruption against a Returning Officer, why that officer should be brought to the bar. He was therefore prepared to vote for this resolution, and if it could be proved that this Sheriff had been guilty of corruption, he (Mr. S.) should not be behind the hon. member for Kent in demanding that he should be punished. (Loud cries of hear, hear.)⁸¹ His opinion was that the demand for qualification should be made on the day of nomination, and if not then made, no further demand should at any time be made.⁸²

MR. INSP. GEN. CAYLEY--quite agreed with his learned colleague.⁸³ ((He)) would also support this motion, as the hon. member for Kent had distinctly charged a member of the Government with conspiring against his return.⁸⁴ ((He)) would likewise vote with Mr. Sherwood.⁸⁵

MR. HINCKS--would like before the question was put to call the attention of the House to the very extraordinary letter which had been read by the hon. member for Essex from this Returning Officer. The House would observe from that letter that the Sheriff was prepared to act as a partizan again, in case another election should take place for the County of Kent. He had distinctly avowed in that letter that he was using his influence to get support for Mr. Malcolm Cameron in case he should go back to the county for election as a member of the government. (Hear, hear.) Now he was one of those who thought that it was the duty of the Sheriff not to interfere in elections; he did not desire that the Sheriff should interfere in one side or the other. (Hear, hear.) The hon. and learned gentleman had brought forward this letter in order to shew his impartiality, he was equally ready to support his hon. and learned friend the member of Kent in case of his going back for re-election as a member of the government, as he had been to support the Hon. Solicitor General (Hear, hear.) Now if they were to believe public rumour this very gentleman, Mr. Sheriff Foott, was more active than any other person in the county of Kent in bringing forward the Solicitor General at the late election; and it was a remarkable fact too, which had been referred to by the hon. member for Leeds in making this motion, that at a former election when a member of the Executive was a candidate for that same county, there was a special return for the advantage of that hon. gentleman made by this same Sheriff who was now prepared to endeavour to use his influence to support any gentleman who might be brought forward of the opposite side to that which he had supported at the last election, and this was brought forward by the hon. member for Essex to induce the House to excuse him on the present occasion. (Hear, hear.) There was one other remark which he desired to make. The hon. and learned member for Essex had read a letter written by a Mr. MacLean, who was he supposed a practising lawyer in that part of the country,

giving his opinion to that Returning Officer as to the sort of return which he ought to make; now he could only say that if Returning Officers were allowed to shelter themselves under legal opinions of this kind, there would be no security whatever for the constituencies of this Province. (Loud cries of hear, hear.) It was very easy for Returning Officers to get an opinion from some lawyers, and the hon. member for Essex did not mean to deny that Mr. MacLean was of no great standing in the country.⁸⁶

MR. AYLWIN--"Eminent for this country." (Much laughter.)⁸⁷

MR. HINCKS in continuation--He had said indeed that he was very well for this country; he was sorry to hear him speak in that way for he believed that there were lawyers of very high standing in this country, but it was obvious that if Returning Officers were allowed to screen themselves in this way there would be no security for constituencies.-- There was really no excuse for these errors as copies of all the Acts of Parliament bearing on elections had been forwarded to every Returning Officer throughout the Province. (Hear, hear.)⁸⁸ He trusted this House would summon Mr. Sheriff Foott to its Bar.⁸⁹

COL. PRINCE--thought it would be as well for the hon. member who had just sat down to listen more attentively to what was pressing; true he was not very friendly to Returning Officers, and perhaps he had no reason to be (hear, hear;) but Mr. Sheriff Foot (sic) had written no such things as the hon. gentleman said he had; he had tendered no such offer as the hon. member imputed to him.⁹⁰ It did not appear to him very kindly disposed to the Sheriff and the Lawyer.⁹¹

MR. HINCKS--Will the hon. gentleman read the passage in the letter.⁹² (Laughter.)⁹³

COL. PRINCE--read the passage as follows:--"I have just seen that it is the intention of certain parties to oppose Mr. Malcolm Cameron should he take office, I have told them plainly that they will not have a shadow of a chance."⁹⁴

MR. HINCKS--"Hear, hear;"⁹⁵

COL. PRINCE ((continued))--was that offering his services?--"that opposition would only cause delay and expense, and as far as I am concerned, I will do what I can to prevent him bringing it forward."⁹⁶

Ironical cheers on both sides of the House.⁹⁷

COL. PRINCE--was that a tender of services? (Cries of hear, hear.)⁹⁸ ((He)) had seen large numbers cry down small ones; and as it is very true, as Hudibras says, that empty vessels makes (sic) the greatest noise,⁹⁹ (Laughter.)¹⁰⁰ He would not be put down by a laugh, and would defy the editor of the would-be trading Journal¹⁰¹ in Lower Canada¹⁰² to show, by Mr. Foott's letter that he had given any¹⁰³ improper services¹⁰⁴ to the Solicitor General.¹⁰⁵ (Ironical cheers.)¹⁰⁶

MR. PRICE--observed that it was a most singular coincidence that in all these improper returns, the gentlemen whom it had been attempted to

keep out, were opposed to the present Government. It was also exceedingly singular that many of the elections which had been contested during the last Parliament were precisely the same elections which were now contested in this Parliament--(Hear, hear.)¹⁰⁷ There was a general understanding among the Conservatives through the country that these qualification quibbles should be made a handle for securing the election.¹⁰⁸ When he had understood that a dissolution of Parliament was to take place, he had mentioned to his hon. and learned friend from the Fourth Riding of York that it would be of the utmost importance that every candidate on the Liberal side in politics should send to every polling place their qualifications, because partizan returning officers would be nominated, and that in large townships a demand would be made for the qualifications of members, which, if not produced, a poll would not be taken at all; and thus a nominal majority would be returned to that House to support the Ministers, while the large majority of the people would be unrepresented. He (Mr. P.) had taken the precaution to do this to all the large townships in the southern division of York, and his qualification had been demanded in the township of York, he believed at the direction of the hon. member for Toronto, although the parties concerned knew well that he was properly qualified, but it had been hoped that there might be some technical error in it which would deprive him of his seat. It was most extraordinary, also, that an attempt should have been made to deprive the county of Oxford, of all other counties, of its representative, when it was well known that for four years they had been unrepresented. In North York, too, at this last election, the same trick had been attempted to be perpetrated, in order to keep his hon. and learned friend near him out of the representation, because it was known he could not be defeated by votes, and therefore the only way was to defeat him by trickery; and, in the election in 1844, they had obtained a victory in this county by throwing an influence into the scale which never ought to have been exercised. And in another Riding of York, represented in the last Parliament by a gentleman who had a minority of votes, an attempt had been made to keep out Mr. Blake, although he believed contrary to the advice of the Hon. Solicitor General. The county of Kent had, as usual, some trouble in returning their representative. Then there was Waterloo, which was not really represented in the last Parliament; and he put it to the hon. gentleman who now represented Waterloo, whether he did not believe that if the votes had been fairly taken in the township of Waterloo, Mr. Durand would not have been the sitting member during the last Parliament.¹⁰⁹

MR. WEBSTER--Under the present Election Law, it was impossible that all the votes could be polled.¹¹⁰

MR. PRICE ((resumed))--There was at least so much sympathy for Mr. Durand, that his expenses of contesting his seat before this House had been paid for him. (Hear, hear.) The county of Prince Edward had returned the hon. gentleman who now sat for it by a majority of three, by means of a partizan returning officer, who refused to receive votes which ought to have been recorded for the Liberal candidate. He was exceedingly anxious to go to the root of all these evils. He believed

the fault rested with the Government itself, who had been appointing persons either ignorant of their duties, or partizans who would be likely to sympathize with them and use their influence in order to return members in the confidence of the Government. He was anxious to get one or two of these returning officers to the bar, that they might find out if they were prepared to deny that they had perpetrated the crime of putting into that House persons who had no right to sit there. It had been urged by the hon. member for Essex that this sending for these returning officers was entailing expenses upon the country. Had this course been pursued during the last session of Parliament, all the expense and inconvenience which they were now put to would have been saved; and he wanted for the future to place his power of appointing returning officers out of the hands of the Executive, whatever Government might be in power, and to put in officers who would have some regard for their honour and for public opinion. (Cheers.)¹¹¹

MR. W. BOULTON (Toronto)--If any person had stated to the hon. gentleman who had just sat down that he had caused him to take the oath of qualification in the Township of York, he had been grossly misinformed. He had never in his life caused the oath of qualification to be administered to any one. The Conservatives had had no wish to annoy the hon. gentleman, and his qualification had been demanded at the time and place when he could most conveniently give it. All he had done was to tell an elector who had declared his intention of demanding the qualification, what was the proper time for him to do it. (Hear, hear.) He would ask the hon. member for the Fourth Riding of York if his qualification had been demanded of him? No, it had not been; and he should have the utmost contempt for any individual who should make such a demand. (Hear, hear.) Had the hon. member for West York been put to any trouble or inconvenience about his qualification? It was the Tories who did all these things: no Reformer did such a thing. Oh, no!¹¹² It was surprising what honest and virtuous people these Reformers were--¹¹³ ((they)) boast((ed)) of their purity and morality¹¹⁴, they imputed tricks to the Conservatives which they themselves never did, of course; but he would remind them that those who boasted of their virtue often had very little to boast of; it was a dangerous thing for women to boast of their virtue, and it was likely to be so with¹¹⁵ Radical¹¹⁶ politicians¹¹⁷. The one that opposed him in Toronto attempted the same trick on him in respect to his qualification, but luckily he got warning of it¹¹⁸ also.¹¹⁹ At the late election for the city of Toronto, when he and his hon. and learned colleague were at the upper end of the city, they received intimation that their qualifications were about to be demanded in their absence at the lower end of the city; and doubtless the demand would have been made, had they not instantly hurried to the spot. He thought that until it could be decided at what time the qualification might be demanded, every person who became a candidate for Parliament ought in prudence to send his qualification to each polling place. The hon. gentleman opposite should take care how they brought down these Sheriffs, for they might find that they would have to interfere in quarters where it would not suit them as well to interfere. He

had heard--and if he were a member of Government he would not have passed it over, for he thought that officers who placed themselves in direct opposition to the Government ought to be dismissed (hear, hear,)--he had heard (and did not everybody know it?) that the most active man in the county of Huron who opposed the hon. and learned Inspector General was one of his own subordinate officers--a custom-house officer and a registrar of the county. (Hear, hear.) Was not this known to everybody?¹²⁰ Mr. B. said he was "free to admit that the ministry ought to turn out of office every official who had placed himself in direct hostility to the Government,"--and that acting on this principle had he been in the Government, he would have turned out Mr. Galt, the Collector of Goderich, without ceremony.¹²¹ (Hear, hear.)¹²² He had no doubt Reformers intended to carry everything with a high hand, and do all that is pure and virtuous, but he warned them to take care, people sometimes change their minds. In respect to the observations that had fallen from the hon. member for Oxford, he could see the majority wishes to establish a precedent, and he supposed every House intended establishing precedents of their own, but¹²³ he cautioned hon. gentlemen opposite not to establish precedents by a mere majority; he desired to maintain the precedents, which had been acknowledged as the precedents which were to guide and govern the House in the decision they might come to. He felt that the people of this Province would express their opinion some day perhaps not very distant, that the opinion of the majority of the House was not a precedent which they would recognize. Although he felt that all opposition to the reckless course which the majority chose to pursue from gentlemen on that side of the House was utterly hopeless, nevertheless he should vote against this resolution.¹²⁴

MR. MACDONALD (Glengarry,) (sic)--trusted the lesson about to be read to the Returning Officers, would be a warning to the Officers of Government not to oppose members of the Administration; he instanced a similar case ... to the one before the House, in which Mr. Shaver, of Dundas, attempted to shave the Reformers of their rights.¹²⁵ ((He)) thought it very satisfactory to have such an authority as the hon. member for Toronto, in support of the principle that subordinate officers should not be allowed to oppose the Government, because it was well known that one of the greatest outcries against the late ministers arose from the discharge of the late member for Hastings--Now the House had the high authority of the hon. member for Toronto that this was a proper course. It was particularly satisfactory to find that this was to be the rule at this moment when a new ministry was coming into power. There was no fear, after this warning, of the Tory officers throughout the country putting themselves in opposition to the Government.--The Reformers could not, at any rate, be accused of appointing corrupt Returning Officers, for they have never yet had an opportunity of going to the country with the allurements of patronage. If they had the present small minority, the House would have been reduced to only about one-half of its actual members. In this case, the day of election was fixed for the same day as for Stormont and Cornwall, so that whatever influence he or the late hon. member for Stormont might have exercised, had they been present

in Cornwall, should be neutralized. It was said, too, that the Sheriff had been induced to resign a lucrative office and to offer himself on the very day of nomination. The election, too, was brought on only six days after the nomination and a gentleman connected with the Government was understood to have come down to the county, keeping the writ in his pocket till he found it convenient to announce the election.¹²⁶

MR. INSP. GEN. CAYLEY--said the ministry was charged with corruption: they were charged with giving written opinions and interfering in elections; and to prove it the hon. member for the First Riding of York had told them that the Attorney General had advised the Returning Officer to return Mr. Blake for the Third Riding of York because he had a majority of votes and they were told that members of the Government had no right to take any part in elections, and yet he had been told that hon. member for the Fourth Riding of York had actually written down to the Third Riding and advised them to vote for Mr. Blake; but, no doubt, that was nothing but a rumour.¹²⁷ ((He)) said he would quote a few rumours relative to the last Elections; and that he, for a moment, believed them, of course they were mere false reports.¹²⁸ It had been told ... that in the County of Berthier, having 4 or 5,000 inhabitants, 7,000 votes had been polled. (Hear, hear.) Again, he had been told that the Solicitor General for Canada East had been knocked off the hustings at a certain election by an hon. member for that House. (Laughter.) Again, at Beauharnois, he had been told that one gentleman,¹²⁹ one of the legal advisers of the Conservative candidates had a pistol presented at his head¹³⁰ forcing him ((to)) drink a drugged potion¹³¹ which threw him into a lethargy for some twenty-four hours¹³², and was then secreted till the Election was over.¹³³ (Much laughter.) These little childish frolics, mere trifling jokes played by the Reformers on the Conservatives, seemed a subject of great merriment to gentlemen opposite; but if a Conservative even advised the electors what course to take, it was gross corruption and unwarrantable interference. (Hear, hear.) It was true that at the Huron election a subordinate officer of the Government had taken active part against him, following him from meeting to meeting, and putting questions to him at all the polling places. He hoped that as the new Government intended to dismiss every subordinate who opposed his superior, that he should be avenged, and that justice would be done upon this gentleman. (Hear, hear.)¹³⁴ ((He)) trusted they would temper judgment with mercy.¹³⁵

MR. MORRISON--said, the Government deserved no credit for leniency to Mr. Galt. It was well known that they dared not touch that gentleman--he was too popular in the County for the present Government to interfere with him. And it was well known that if Mr. Galt had himself opposed the Inspector-General at the late election, Mr. Cayley would not now be in that House.¹³⁶ ((He)) assured the hon. member for Toronto that his qualification had been demanded, and he had been obliged to ride thirty or forty miles to the house of the Returning Officer to swear to it. If he had not done so, he should probably not have had the honour of a seat in that House. (Hear, hear.)¹³⁷

MR. WETENHALL--said the trick of asking for qualification was played upon the day of declaration.¹³⁸

MR. LAFONTAINE--((était en faveur de la motion.))¹³⁹

MR. RICHARDS--had not expected this debate or this cross fire between the gentlemen on the opposite side and those around him. He had thought they would have restrained themselves till to-morrow. As no one intended to oppose this resolution, he thought that it was not necessary to waste the time of the House by any further discussion upon it. (Hear, hear.)¹⁴⁰

MR. AT. GEN. SHERWOOD--took the same view on the matter as the hon. gentleman who spoke last. He would not waste the time of the House in replying to all the little rumours which had been raked up. When any specific charge was made against them, he should be prepared to defend their acts, and deny that any improper use had been made of the power which they as a Government possessed to controul the late elections¹⁴¹ but the debate was taken opportunity of to make attacks on the Government without proof; he decided that the Government had attempted to corrupt the Returning Officers¹⁴². In selecting returning officers, they had used their best discretion, and they had nothing to do with selecting the deputies; that was entirely in the hands of the returning officers; yet all these little petty newspaper rumours were pulled up.¹⁴³

MR. LAFONTAINE--The Government have not always so acted.¹⁴⁴ Do you recollect the correspondence with Mr. Duggan about a certain rumour?¹⁴⁵

MR. AT. GEN. SHERWOOD--did recollect it: that correspondence he was authorized by the Head of the Government to write, and for this reason, that all the newspapers in the Reform interest were promulgating throughout the country the report that the Ministry had been forced into the dissolution of Parliament by the Governor General--(hear, hear)--and that he had forced them into the position they were placed in. Now, that was not the fact¹⁴⁶. The King's name in England was said to be a tower of strength, and if a similar saying was applicable here, the members of the opposition party were attempting to shelter themselves beneath that tower. But the fact was that the dissolution was determined upon by the ministry and the ministry only¹⁴⁷, without any advice being expressed by His Excellency.¹⁴⁸

MR. CAUCHON--Who believes it?¹⁴⁹

MR. AT. GEN. SHERWOOD--Who believes it, said the hon. member; I trust all that hear me believe what I say. He (Mr. S.) said it was a most indecent act of Mr. Cauchon to talk as he had.¹⁵⁰ ((He)) thought that was a very impertinent question when he was stating a fact.¹⁵¹

MR. CAUCHON--The Attorney General is himself impertinent if he says that I am.¹⁵²

MR. MORIN--called Mr. Cauchon to order; he was clearly out of order.¹⁵³

MR. AT. GEN. SHERWOOD--Whatever the hon. member might think, and whatever credit he might attach to what he (Mr. S.) said, it was never-

theless a fact, that in dissolving Parliament, the Governor General was acting under the advice of his Council, and was not taking upon himself to do an act which would be going in the very teeth of Responsible Government. (Hear, hear.) They had come down to meet the House, ready to defend the policy which they had pursued; and if they did not defend it satisfactorily to the public, on them would be the responsibility, and on them would fall the consequence; but they were not prepared to take up the time of the House in denying all the little rumours and reports which were brought forward by hon. members opposite.¹⁵⁴ He did think the House would do well to follow the dignified course set in a late debate in another place, and, at any rate, not allude to mere rumours, instead of bringing specific charges. He thought, notwithstanding the remark of the hon. member for Montmorenci, that the House would believe his assertion. As to the interruption that had just taken place, the Speaker had decided that the hon. member was out of order. He was willing to believe that no insult was intended, and hoped the hon. member would acknowledge it, and that there might be no more about it.¹⁵⁵

MR. CAUCHON--When he had said, "Who believes it?", he did not intend to insult the honorable member; and if he had used any unparliamentary language, he would recall it. He then proceeded to address the House in French.¹⁵⁶ ((He)) said it was not his intention to insult the Hon. Solicitor Gen., with regard to Mr. Turcotte being kicked off the Hustings, but it served him right.¹⁵⁷ ((He denounced)) the conduct of the present Ministry.¹⁵⁸

(14)

On motion of Mr. Richards, seconded by Mr. Price,

Kent Election.

Ordered, That Mr. Speaker do issue his War summoning George Wade Foote, Esquire, the Returning Officer at the late Election for the County of Kent, to the Bar of this House, on Friday the twenty-fourth day of March instant, to answer for his conduct in relation to his Return to the Writ of Election for the said County.

MR. DRUMMOND¹⁵⁹--moved that Mr. Dumoulin be seated for the Borough of Three Rivers, on the ground that he had the majority of votes, and that the reason of the Returning Officer for not making such return was insufficient and untrue.¹⁶⁰ L'officier-rapporteur, s'il n'a pas agi par corruption, a montré l'ignorance de la loi la plus grossière et la plus inexcusable.¹⁶¹

(14)

Three Rivers Election.

Mr. Drummond moved to resolve, seconded by Mr. Chauveau, That it appears by the Return of James Dickson, Esquire, the Returning Officer appointed to preside at the Election of a Member to represent the Town of Three Rivers in the present Parliament, that in obedience to a Writ of Election duly issued, and returnable to the Clerk of the Crown in Chancery on the twenty-fourth day of January, in the present year, an Election was held for the Town of Three Rivers on the twenty-ninth day of December last, at the

said Town of Three Rivers, when and where Pierre Benjamin Dumoulin, Esquire, and Antoine Poulette, Esquire, came forward and were named candidates at the said Election.

M. AYLWIN—se lève et demande à M. l'orateur si la chambre peut légalement s'occuper de cette question, ayant lui-même présenté une pétition à ce sujet au commencement de la session.¹⁶²

M. MORIN—répond qu'il ne voit rien dans la résolution de M. Drummond qui intervienne dans la pétition.¹⁶³

M. AYLWIN—argumente contre la pétition de M. Drummond.¹⁶⁴ ((He)) insisted there was no parallel to be drawn between ((Three Rivers and)) the ((other)) cases. In the three counties named, the election was full, was complete, but in Three Rivers, the Poll was closed, no matter whether justly or unjustly, and the only course to be pursued, was to issue a new Writ. Besides he had presented a Petition from Mr. Polette, the opposing Candidate, who claimed the seat; and he doubted if this Petition could be disposed of incidentally.¹⁶⁵ Il ne prétend pas que l'officier ait agi convenablement, mais que l'affaire étant telle qu'elle est, la chambre ne peut décider en faveur de M. Dumoulin.¹⁶⁶

M. CHAUVEAU—donne les raisons pour lesquelles il seconde la motion de M. Drummond. Il pense que le précédent que la chambre a donné en condamnant les officiers-rapporteurs qui n'avaient leurs devoirs dans les autres comtés, est applicable également à celui des Trois-Rivières. Le prétexte de la peur causée par le trouble n'est pas du tout une excuse. Craindre une agitation dangereuse dans la ville des Trois-Rivières, il vaudrait autant craindre une tempête dans un verre d'eau! Si on établit pour précédent que ce cas là est nul, tous les candidats qui auront dans la suite intérêt à effrayer de pusillanimes officiers-rapporteurs pourraient susciter des troubles au moment du danger. Dans les cas de Kent, d'Oxford et de Beauharnois, il ne s'est agi que d'amender le rapport, pourquoi en serait-il autrement pour celui de Trois-Rivières.¹⁶⁷

M. FOURNIER--parle contre la motion.¹⁶⁸

M. LAFONTAINE--est d'opinion que cette élection doit être nulle. D'abord si la chambre établissait ce précédent dans la suite un membre qui aurait obtenu une majorité le premier jour, pourrait la conserver par le trouble et la violence et être proclamé élu. La chambre ne doit pas être disposée à maintenir un tel précédent qui nuirait à la liberté des élections. D'ailleurs l'élection n'était pas complète et la loi est expresse là-dessus. Elle fixe le temps et l'heure et si, pour une raison ou pour une autre, les formalités ne sont pas accomplies, la contestation serait dangereuse et dispendieuse pour le membre qui prendrait un siège en chambre.¹⁶⁹

M. PAPINEAU—parle dans le même sens. Il croit que l'officier-rapporteur de cette localité s'est compromis plus grossièrement que tous les autres. L'apparence de trouble et d'agitation qui se manifestait n'était pas une raison suffisante pour suspendre une élection. D'après l'examen des faits et des circonstances, il arrive à la conclusion

qu'il n'y a pas eu d'élection aux Trois-Rivières et cela par la faute de l'officier-rapporteur. Suspendre la question pour la soumettre à un comité et faire paraître le candidat à la barre pour rendre compte de tout, est une mesure très prudente. Tous ceux qui étaient concernés dans cette élection ont manqué à la loi. D'abord M. Dumoulin aurait dû penser à sa qualification assez tôt, et M. Polette, pour se prévaloir de la disqualification de M. Dumoulin, aurait dû défendre à l'officier-rapporteur, dès le commencement, de prendre des votes pour un homme qui n'est pas qualifié.¹⁷⁰

MESSRS. CHABOT, BALDWIN, et BOULTON (Norfolk) envisagent la question sous le même point de vue.¹⁷¹

(14)

The Honorable Mr. Boulton moved, seconded by the Honorable Mr. Aylwin, the previous Question, viz:--

(15)

*Shall the main Question be now put?
And it passed in the Negative.*

La minorité s'est trouvée composée de trois voix seulement: celles de Messieurs. Drummond, Chauveau et Taché.¹⁷²

MR. DRUMMOND-- ... ((moved)), at the suggestion of MR. PAPINEAU, that the affair should be enquired into, as early as possible, by the Committee of Privilege¹⁷³.

((The motion)) was carried.¹⁷⁴

(15)

Then, on motion of the Honorable Mr. Robinson, seconded by the Honorable Mr. LaFontaine.

*The House adjourned.*¹⁷⁵

FOOTNOTES: 2 MARCH 1848.

1. MONTREAL TRANSCRIPT, 4 March 1848.
2. The debate on this matter was reported in: MONTREAL TRANSCRIPT, 4 March 1848; LA MINERVE, 6 March 1848; MONTREAL GAZETTE, 6 March 1848, and CHATHAM GLEANER, 14 March 1848, in identical accounts; PILOT, 7 March 1848, and GLOBE, 11 March 1848, in whose accounts some speeches are identical, and some are dissimilar; the PROVINCIALIST, 14 March 1848, in an account in most respects identical to the GLOBE's account, except that the GLOBE's account contains more speakers and the speeches are given in more detail; PILOT, 7 March 1848, whose account of Prince's speech in defence of Sheriff Foott was copied by CHATHAM GLEANER, 21 March 1848; L'AVENIR, 4 March 1848, noting the debate; as did LE CANADIEN, 6 March 1848.
3. PILOT, 7 March 1848.
4. GLOBE, 11 March 1848.
5. PILOT, 7 March 1848.
6. GLOBE, 11 March 1848.
7. PILOT, 7 March 1848.
8. GLOBE, 11 March 1848.
9. PILOT, 7 March 1848.
10. GLOBE, 11 March 1848.
11. L'AVENIR, 4 March 1848.
12. GLOBE, 11 March 1848.
13. PILOT, 7 March 1848.
14. GLOBE, 11 March 1848.
15. PILOT, 7 March 1848.
16. MONTREAL TRANSCRIPT, 4 March 1848.
17. PILOT, 7 March 1848.
18. IBID.
19. GLOBE, 11 March 1848.
20. PILOT, 7 March 1848.
21. MONTREAL GAZETTE, 6 March 1848.
22. GLOBE, 11 March 1848.
23. MONTREAL GAZETTE, 6 March 1848.
24. PILOT, 7 March 1848.
25. MONTREAL GAZETTE, 6 March 1848.
26. PILOT, 7 March 1848.
27. MONTREAL GAZETTE, 6 March 1848.
28. PILOT, 7 March 1848.
29. MONTREAL TRANSCRIPT, 4 March 1848.
30. PILOT, 7 March 1848.
31. MONTREAL GAZETTE, 6 March 1848.
32. PILOT, 7 March 1848.
33. MONTREAL GAZETTE, 6 March 1848.
34. PILOT, 7 March 1848.
35. MONTREAL GAZETTE, 6 March 1848.
36. PILOT, 7 March 1848.
37. GLOBE, 11 March 1848.

38. MONTREAL GAZETTE, 6 March 1848.
39. PILOT, 7 March 1848.
40. MONTREAL GAZETTE, 6 March 1848.
41. PILOT, 7 March 1848.
42. GLOBE, 11 March 1848.
43. PILOT, 7 March 1848.
44. GLOBE, 11 March 1848.
45. PILOT, 7 March 1848.
46. MONTREAL TRANSCRIPT, 4 March 1848.
47. PILOT, 7 March 1848.
48. MONTREAL GAZETTE, 6 March 1848.
49. PILOT, 7 March 1848.
50. GLOBE, 11 March 1848.
51. MONTREAL TRANSCRIPT, 4 March 1848.
52. PILOT, 7 March 1848.
53. MONTREAL TRANSCRIPT, 4 March 1848.
54. GLOBE, 11 March 1848.
55. PILOT, 7 March 1848.
56. GLOBE, 11 March 1848.
57. PILOT, 7 March 1848.
58. GLOBE, 11 March 1848.
59. PILOT, 7 March 1848.
60. GLOBE, 11 March 1848.
61. MONTREAL GAZETTE, 6 March 1848.
62. PILOT, 7 March 1848.
63. GLOBE, 11 March 1848.
64. PILOT, 7 March 1848.
65. GLOBE, 11 March 1848.
66. PILOT, 7 March 1848.
67. GLOBE, 11 March 1848.
68. PILOT, 7 March 1848.
69. IBID.
70. IBID.
71. GLOBE, 11 March 1848.
72. PILOT, 7 March 1848.
73. GLOBE, 11 March 1848.
74. PILOT, 7 March 1848.
75. GLOBE, 11 March 1848.
76. PILOT, 7 March 1848.
77. IBID.
78. MONTREAL GAZETTE, 6 March 1848.
79. PILOT, 7 March 1848.
80. GLOBE, 11 March 1848.
81. PILOT, 7 March 1848.
82. MONTREAL TRANSCRIPT, 4 March 1848.
83. GLOBE, 11 March 1848.
84. PILOT, 7 March 1848.
85. MONTREAL GAZETTE, 6 March 1848.
86. PILOT, 7 March 1848.

87. IBID.
88. IBID.
89. MONTREAL GAZETTE, 6 March 1848.
90. PILOT, 7 March 1848.
91. MONTREAL GAZETTE, 6 March 1848.
92. PILOT, 7 March 1848.
93. MONTREAL GAZETTE, 6 March 1848.
94. PILOT, 7 March 1848. GLOBE, 11 March 1848, quoted this portion of the letter as: "That certain parties intended to get up an opposition, but he had endeavoured to convince them that it was useless."
95. PILOT, 7 March 1848.
96. IBID. GLOBE, 11 March 1848, gave this following version of this portion of the letter: "as far as I am concerned, I will do what I can to prevent opposition."
97. GLOBE, 11 March 1848.
98. PILOT, 7 March 1848.
99. MONTREAL GAZETTE, 6 March 1848.
100. PILOT, 7 March 1848.
101. MONTREAL GAZETTE, 6 March 1848.
102. PILOT, 7 March 1848.
103. MONTREAL GAZETTE, 6 March 1848.
104. PILOT, 7 March 1848.
105. MONTREAL GAZETTE, 6 March 1848.
106. PILOT, 7 March 1848.
107. IBID.
108. GLOBE, 11 March 1848.
109. PILOT, 7 March 1848.
110. IBID.
111. IBID.
112. IBID.
113. MONTREAL TRANSCRIPT, 4 March 1848.
114. MONTREAL GAZETTE, 6 March 1848.
115. MONTREAL TRANSCRIPT, 4 March 1848.
116. MONTREAL GAZETTE, 6 March 1848.
117. MONTREAL TRANSCRIPT, 4 March 1848.
118. MONTREAL GAZETTE, 6 March 1848.
119. MONTREAL TRANSCRIPT, 4 March 1848.
120. PILOT, 7 March 1848.
121. GLOBE, 11 March 1848.
122. PILOT, 7 March 1848.
123. MONTREAL GAZETTE, 6 March 1848.
124. PILOT, 7 March 1848.
125. MONTREAL GAZETTE, 6 March 1848.
126. PILOT, 7 March 1848.
127. IBID.
128. MONTREAL GAZETTE, 6 March 1848.
129. PILOT, 7 March 1848.
130. MONTREAL GAZETTE, 6 March 1848. According to PILOT, 7 March 1848, the pistol was "held to his breast".
131. MONTREAL GAZETTE, 6 March 1848.

132. PILOT, 7 March 1848.
133. MONTREAL GAZETTE, 6 March 1848.
134. PILOT, 7 March 1848.
135. MONTREAL GAZETTE, 6 March 1848.
136. GLOBE, 11 March 1848.
137. PILOT, 7 March 1848.
138. MONTREAL GAZETTE, 6 March 1848.
139. LA MINERVE, 2 March 1848.
140. PILOT, 7 March 1848.
141. IBID.
142. MONTREAL GAZETTE, 6 March 1848.
143. PILOT, 7 March 1848.
144. GLOBE, 11 March 1848.
145. PILOT, 7 March 1848.
146. IBID.
147. GLOBE, 11 March 1848.
148. PILOT, 7 March 1848.
149. IBID.
150. MONTREAL GAZETTE, 6 March 1848.
151. PILOT, 7 March 1848.
152. IBID.
153. IBID.
154. IBID.
155. GLOBE, 11 March 1848.
156. PILOT, 7 March 1848.
157. MONTREAL GAZETTE, 6 March 1848.
158. PILOT, 7 March 1848.
159. The debate on this matter was reported in: MONTREAL GAZETTE, 3 March 1848; LA MINERVE, 6 March 1848; MONTREAL TRANSCRIPT, 4 March 1848; LE CANADIEN, 6 March 1848; and MONTREAL GAZETTE, 6 March 1848, and GLOBE, 11 March 1848, whose accounts are identical except that in the GLOBE, some speeches have been omitted entirely. The PILOT, 7 March 1848, noted it, reporting that "a long debate" took place.
160. MONTREAL GAZETTE, 6 March 1848.
161. LA MINERVE, 6 March 1848.
162. IBID.
163. IBID.
164. IBID.
165. MONTREAL GAZETTE, 6 March 1848.
166. LA MINERVE, 6 March 1848.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. IBID.
172. LE CANADIEN, 6 March 1848.
173. MONTREAL TRANSCRIPT, 4 March 1848.
174. IBID.
175. According to MONTREAL TRANSCRIPT, 4 March 1848, the time of adjournment was "about ten o'clock"; the PILOT, 7 March 1848, gave the time as nine o'clock.

FRIDAY, 3 MARCH 1848.

3 O'clock, P.M.

(15)

Bonds and
Securities.

MR. Speaker laid before the House, the Registrar's Report of Bonds and Securities; in compliance with the Act 4 and 5 Vic. c. 91.

Appendix (A.)

For the said Report, see Appendix (A.)

Montreal and
Lachine Rail-
road.

Also, Statement of the Affairs of the Montreal and Lachine Railroad, as required by the Act 9 Vic. c. 82.

Appendix (B.)

For the said Statement, see Appendix (B.)

Canada Baptist
Missionary
Society.

And also, Return of the Immoveable Property held by the Corporation of the Canada Baptist Missionary Society, pursuant to Act 8 Vic. c. 102, section 6.

Appendix (C.)

For the said Return, see Appendix (C.)

Cornwall
Election.

Mr. Speaker acquainted the House, that Donald M'Donald (Roy) and William Kenneth M'Kenzie, Esquires, had entered into the usual Recognizance required by law, on the subject matter of the Contested Election for the Town of Cornwall.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Emigration
Bill.

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to make better provision with respect to Emigrants, and for defraying the expenses of supporting Indigent Emigrants, and of forwarding them to their place of destination, and to amend the Act therein mentioned," without any Amendment.

And then he withdrew.

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Bouthillier,--The Petition of the Members of the College of St. Hyacinthe.

By Mr. DeWitt,--The Petition of the Reverend E. Blyth and others, of the Parish of Ste. Martine de Beauharnois.

By Mr. Thompson,--The Petition of Henry J. Barber and others, of the Township of Townsend.

By Mr. Taché,--The Petition of Alexis Rivard, Esquire, and Joseph Garon, of Rimouski.

By Mr. Holmes,--The Petition of the Montreal Board of Trade (Butter); and the Petition of the Montreal Board of Trade (Flour and Meal.)

By the Honorable Mr. Baldwin,--The Petition of Peter Carroll, Esquire, and others, of Whitby, Pickering, and adjacent Townships.

By Mr. Richards,--The Petition of the Municipal Council of the District of Johnstown (Criminal Justice.)

By the Honorable Mr. Laterrière,--The Petition of George Chaperon, of the Parish of La Baie St. Paul.

By the Honorable Mr. Aylwin,--The Petition of the Literary and Historical Society of Quebec; and the Petition of Richard Tims and others, of Cap Blanc, Quebec.

By Mr. Chabot,--The Petition of the Roman Catholic Board of School Commissioners of the City of Quebec.

By Mr. Macdonald of Glengarry,--The Petition of William K. Mackenzie of L'Orignal, in the County of Prescott, Esquire.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Charles Berczy and others, of the City of Toronto; praying to be incorporated as "The Consumers' Gas Company of Toronto."

Of Roger B. Conger, Esquire, and others, Electors of the County of Prince Edward; setting forth:--That according to previous notice, by Royal Proclamation, an Election was ordered to be holden for the County of Prince Edward: That Philip Low, Esquire, Clerk of the Peace for the District of Prince Edward, was appointed Returning Officer: That said Returning Officer appointed the seventh day of January, 1848, as the day of nomination; that at the said nomination David Barker Stevenson, Esquire, and on of the Petitioners, Roger Bates Conger, were nominated as candidates to represent the said County of Prince Edward in Parliament: That after said candidates had addressed the Electors, a show of hands was called for by the Returning Officer, and a majority appearing for the said Conger, a Poll was demanded by the supporters of the said David B. Stevenson, and Wednesday and Thursday, the twelfth and thirteenth days of January, 1848, were appointed by the said Returning Officer for taking the Polls in the several Townships in the County; and Saturday the fifteenth day of January aforesaid, for summing up and declaring the final result: That at the final summing up, there appeared by the several Poll Books, in the whole, a majority of three votes in favor of the said David B. Stevenson: That the Returning Officer declared the said David Barker Stevenson duly elected to represent the said County of Prince Edward in Parliament: That a protest was made against said Return by a number of freeholders, electors of the said County, upon the ground that the said Roger Bates Conger had, on the Poll Books, a majority of legal votes: That the Petitioners beg leave to represent, that the said David Barker Stevenson should not be the Member for the County of Prince Edward, because contrary to law, and contrary to the constitution, a number of the persons whose names are recorded as having voted for the said David B. Stevenson, were not, at the time their votes were polled, freeholders legally qualified to vote in said County for the election of a Member to represent the said County in Parliament; and consequently the majority by which said David Barker

Stevenson was declared elected, has no existence in fact, and was, and is, a mere colourable majority; because a larger number of legal votes were polled in favor of the return of the said Roger Bates Conger, than of the said David Barker Stevenson, and because many legal and sufficient votes offered and tendered for the said Roger Bates Conger, were rejected by some of the Deputy Returning Officers: That the Petitioners beg leave further to represent, that from evidence which they will submit to the Committee hereafter to be appointed by the House, they verily believe they will make it appear, that the Returning Officer, and some of the Deputy Returning Officers, exhibited an unwarrantable partiality and strong bias in favor of the said David Barker Stevenson; and praying that that the Return for the County of Prince Edward, may not be confirmed,-- but that the House will be pleased to cause the said Return to be amended, by causing the said Roger Bates Conger to be declared the Member for the County of Prince Edward, in Parliament.

(16)

Of the Reverend Louis T. Fortier and others, of the Township of Bulstrode; praying for aid to open a new line of road in that Township.

Of Archibald H. Young and others, of L'Ancienne Lorette and other Parishes; praying that the improvements of the Macadamized Road from Quebec to a certain part of the Parish of L'Ancienne Lorette, may be continued to the point where it intersects the central route of the Parish of St. Augustin.

Of George Simley and others, of the County of Waterloo; praying for a certain amendment to the Election Law.

Of the Reverend J. B. Potvin and others, of Somerset and other Townships; praying for aid to open a new line of Road through the said Townships.

Of Archibald Petrie, of the Township of Cumberland, in the County of Russell, Esquire; setting forth:--That the Petitioner was a candidate for the County of Russell, at the last general Election, in opposition to George B. Lyon, who was returned as duly elected therefor: That the Petitioner protests against the return of the said George B. Lyon on the following grounds: 1st.--That votes were received in his favor from persons not possessed of the requisite property qualification to entitle them to vote: 2nd.--Because many of the persons who voted in favor of the said George B. Lyon, were induced to do so by having received money, or the promise thereof from the said George B. Lyon or his agents: 3rd.--Because money was paid to one of the Deputy Returning Officers prior to the Election, to forward the return of the said George B. Lyon, the said Returning Officer being keeper of a House of Entertainment, did entertain the voters and partizans of the said George B. Lyon, at the cost and charges of the same: 4th.--Because bribery and corruption were practised previous to and during the said Election, by the said George B. Lyon, his agents and partizans, whereby a number of voters were induced to vote in favor of the said George B. Lyon, who otherwise would have voted for the Petitioner, and others induced to abstain from voting: 5th.--Because sums of money were expended by the said George B. Lyon, his agents and partizans, in procuring the attendance of voters at the said

Election, and in compensating the said voters for loss of time in coming to and returning from the said Election: 6th.--Because the said George B. Lyon, his agents and partizans, did open and support, or cause to be opened and supported, at his costs and charges, a House of Entertainment for the accommodation of the Electors; and praying the House to enquire into the merits of the said Election, and the conduct of the said George B. Lyon, and his agents, and relieve the Petitioner, either by ordering the said Return to be amended, by the insertion of the name of the Petitioner in such Return, in the place of the said George B. Lyon, disqualified as aforesaid, by reason of such bribery or other corrupt and illegal conduct, or to cause a new Writ to issue for the Election of a fit and proper person to represent the said County in the place of said George B. Lyon,--the Petitioner craving permission to offer evidence in support of the allegations aforesaid, before a Committee of the House to be appointed to try the merits of the said Election.

On motion of the Honorable Mr. Attorney General Sherwood, seconded by Mr. Seymour,

Toronto Har-
bour Dues.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the proper

Officer to lay before this House, a Return of the amount collected for Harbour Dues at the Port of Toronto, for the year 1847; together with a detailed account of the expenses incurred in constructing and repairing the Queen's Wharf at the entrance of the said Harbour, and a statement shewing the balance, if any, still due to the Government, on account of sums advanced by the authority of certain Acts of the Parliament of Upper Canada, for constructing and repairing the Queen's Wharf at the entrance of Toronto Harbour.

Ordered, That the said Address be presented to His Excellency the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Jurors' Bill.
(L. C.)

Ordered, That the Honorable Mr. Attorney General Badgley have leave to bring in a Bill to remove doubts as to the time from which the

provisions of the Act regulating the summoning of Jurors in Lower Canada, were intended to have force and effect.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

Port Granby
Harbour Com-
pany Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate sundry persons under the name and style of "The President, Directors, and Company of the Port Granby Harbour."

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Election
Bill.

Ordered, That Mr. Wetenhall have leave to bring in a Bill to amend the Election Law of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Port Hope
Town Council
Bill.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to repeal the Act of Incorporation of the Town of Port Hope, and to establish a Town Council therein, in lieu of a Board

of Police, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Amherstburg
Incorporation
Bill.

Ordered, That Mr. Prince have leave to bring in a Bill for incorporating the Town of Amherstburg, in the Western District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

MR. WEBSTER--asked,...leave for Mr. William H. Boulton to absent himself from the House for one month.¹

(16)

Leave of
Absence.

Ordered, That Mr. Boulton of Toronto have leave to absent himself from this House for one month, from this date on, on urgent business.

Speech con-
sidered.

The Order of the Day for taking into consideration the Speech of His Excellency the Governor General, delivered to both Houses of the Provincial Legislature at the opening of the present Session, being read;

The House proceeded accordingly to take the said Speech into consideration.²

COL. PRINCE³--rose⁴ and said,--I have been requested, Mr. Speaker, to move an address in answer to the speech of His Excellency, which we heard the other day, and I have responded to the call with great pleasure (ironical cheers) and, for the best of all reasons, because I very much admire everything that is in it. I can hardly believe, Mr. Speaker, that⁵ any objection to it could have been discovered even by the most prying eyes;⁶ but we have received notice that certain amendments are to be moved to it, and I will first address myself to the speech, and then, with the permission of the House, to the amendments which are to be offered. Mr. Speaker, we are here assembled in a new Parliament convened by the Government, chosen by the people; and I have had the honour of representing the County of Essex now for twelve years (hear, hear), and I must make free to confess, that from what knowledge I possess of this Province, particularly of Upper Canada, confining my observations to the people of Upper Canada,⁷--he would say nothing about Lower Canada,

because he knew little of it--⁸ I am bound to admit that the result of the general election has been the choice of the people. (Hear, hear.) As far as I have observed, Sir, in Upper Canada, these elections have been conducted with order, and this Parliament has been returned by the spontaneous feeling of the people⁹. He heard no complaints of corruption, or undue influence¹⁰ ((or)) bribery or force¹¹ on either side¹². (Ironical cheers.) I do not mean to say, Mr. Speaker, that if proper exertions had been used by those who are called Conservatives, that my hon. friends on this side of the House would have had such a powerful array of strength. (Hear, hear.) I am by no means disposed to admit anything of the kind¹³. He thought it a good deal of the fault of the Conservatives that that majority was so overwhelming¹⁴; there was one error party-men were apt to indulge in; they fancied when they happened to possess the majority, they should always possess it;¹⁵ (hear, hear); and they fancy, too, no exertions are necessary to be used to retain the possession of it; and, Sir, there is the great fault which has been committed by those who will soon probably be out of power (hear, hear); or they will find that they, like unsuccessful Generals, have permitted the enemy to triumph, because they would condescend to fight against them, but imagined that they were sure of victory. (Hear, hear, hear).¹⁶ They had treated the minority too contemptuously. But to return to the speech,¹⁷ Sir, and a very good speech it is.¹⁸ They had heard the speech, the first paragraph stated that Parliament had been called at the earliest period after the declaration.¹⁹ I was disposed before I came here and heard the explanation of the Ministers why we were called together at such a short notice and at such a particularly inconvenient season, to quarrel with them, and to say as I have often said before and often felt, that the convenience of the representatives of the people has never been much studied either by the Governor or his Counsellors; for upon almost all occasions it has been very unfortunate that those who represent constituents at a distance from the seat of Government as I do, have been very seriously inconvenienced, either by the shortness of notice which has been given for our attendance here, or by the season of the year at which the summons has been issued; and, Sir, I came down here²⁰ cross extremely cross,²¹ very desirous even of venturing to submit to His Excellency that I thought it excessively hard to be called here at three days notice, for the proclamation only reached Sandwich the 9th of January, and I was obliged to leave home in three days afterwards, with a great many matters to attend to, having a large family and establishment at home.²² The Ministry ought always to pay some attention to the convenience of members, and to give them notice in time enough to allow them to arrange their affairs before leaving home.²³ But, Sir, a good reason has been assigned by the speech for having convened us at so early a period. It became necessary that the question of emigration should engross the attention of this House, that no time should be lost in adopting some measures to prevent a recurrence of the calamities of last year (hear, hear), and the Ministry very wisely convened Parliament when they did, in order that the bill might go home which we have passed, and which I think has done much credit to this House. (Hear, hear.)²⁴ It was for that purpose the Governor General had called Parliament together, and he (Col. Prince) proposed to thank him for doing so.²⁵

The Governor General tells us²⁶ next²⁷ that he has made a tour through the Province--that he has observed everywhere the²⁸ most gratifying indications²⁹ of general contentment and prosperity in all the districts which he has visited--I think, Sir, we may truly say so--I think, Sir, with the Governor General, that Canada, generally speaking, is a country in which prosperity is very apparent--I think, Sir, it is a country in which that sort of prosperity which is so essentially necessary for the happiness of man abounds, viz., the possession of real property, not fictitious property--I think it is a country in which an industrious and well-conducted individual can certainly obtain a competency better than in any other portion of the globe, and, above all things, here be under the protection of British institutions--³⁰ wherever such was the case in any country, it could not be called otherwise than prosperous.³¹ I think His Excellency could not fail to have observed in his progress through the Province, that there were strong indications of prosperity and happiness;³² and yet it was to this paragraph an amendment was to be proposed.³³ Sir, in handling the subject, I will beg leave to refer to the amendments which are proposed, for though they have not yet been moved and no notice has been given of them, they have been placed upon our desks³⁴, or, of course, he could not have been aware of it, and as this had been done,³⁵ I think that in strict Parliamentary practice notice should have been given. I will then, as I proceed in my remarks upon the resolutions which I intend to move,³⁶ to save time...((and)) with permission of the House,³⁷ just touch upon these two amendments, and explain my opinion of them. It appears then, Mr. Speaker, that there is an amendment, by whom it is to be moved or who is the author I know not, which negatives the truth of what His Excellency states. He tells us that he was met by the most gratifying indications of general contentment and prosperity. Now that certainly is not put into his mouth by the Ministers, because it is a matter of personal observation of His Excellency himself. He says that in travelling through the country he met, as he must have done if he did not go blindfolded, with general indications of prosperity and contentment.³⁸ He considered His Excellency had said the country was prosperous; because his information was received from those who surrounded him in Upper Canada and that information was true³⁹. Now, Sir, I find that in the amendment to the address, it is proposed to alter that language of His Excellency, which was a mere declaration of his own, and the authors of this amendment say that it must be expurged--that His Excellency did not meet with anything of the sort--of course telling him that he saw nothing of the kind--that he could not have witnessed anything like prosperity: but the Governor says it is a matter of fact. But what is to be substituted for it, we are to tell him--"That we rejoice His Excellency derived so much satisfaction from the tour which, during the recess, he was enabled to make through the Province." (Hear, hear.) Now I rather apprehend, Mr. Speaker, that the greatest satisfaction His Excellency could have enjoyed, was, seeing the people prosperous and happy. I have no doubt the entertainment he received at the City of Toronto, and at the Grange, pleased him.⁴⁰ He (Col. P.) had little doubt that His Excellency has been received,...--with every honor;⁴¹ I have no doubt that there was lots of roast beef and plum pud-

ding and that the Scotch as well as the English gentleman is fond of these delightful condiments (laughter) and I have no doubt that at the table at the Grange he had the pleasure of meeting some of the members of this House, and that he enjoyed all these other pleasures of the Queen City of the West. I have no doubt⁴² that he had received every attention from the great men of that city....and that the magnates, the patricians of that city, had the honor of meeting His Excellency at the table of his Worship the Mayor⁴³, ((they had)) accompanied His Excellency throughout the city pointing out to him the beauty of the city, the magnificent shops and stores; this is a fancy picture of mine, but I have no doubt he was shown the beauties of that splendid city; I can fancy the Governor General walking up and down the streets and pointing out this and that sign of prosperity (hear;) I can fancy my hon. and learned friend for the Fourth Riding walking by his side, arm-in-arm (laughter;)⁴⁴ and the Mayor on the other ((side))⁴⁵ pointing out to him the banks, the stores, the public buildings, the merchandize,⁴⁶ the markets,...the warehouses⁴⁷, and the pretty ladies who are walking in the streets, and I can imagine all these things being evidence and indications of prosperity. (Laughter). I have no doubt His Excellency put that into his speech because he heard from the great man of⁴⁸ the Home District, that all was prosperity and contentment,⁴⁹ but this unfortunate amendment proposes that it should be expunged, that a piece of sponge should be put upon it (laughter;) that His Excellency was mistaken, that the person who wrote this was mistaken. I have no doubt in the world that this is the intention of that part of the amendment, and yet, Sir, I am at a loss to conceive how, when His Excellency has arrived at this conclusion of what he observed, we can properly expunge it. It may possibly be said in support of the amendment that Canada just now is not very prosperous⁵⁰ but, using the term in its most extended meaning,⁵¹ I should like to know what country is; I should like to know whether the monetary evils which are experienced in England do not as matter of course affect the prosperity of Canada; I should like to know whether the Colony can be expected to prosper when the Mother-Country is so depressed; it is morally impossible, Sir, that it should be otherwise.⁵² When they considered the state of Great Britain, at present, it was morally impossible that this country,--one of the Colonies--could be otherwise.⁵³ But, Sir, there is a prosperity which is far above the trading prosperity of a country⁵⁴. Merchants and traders often failed from misfortune in business; but more often from bad speculations, and if men engaged in injudicious and foolish speculations, and were ruined by them, it could not therefore be said that the business of the country was in a bad state⁵⁵; it is a cloud which hangs over every country for a time, but which afterward, and very generally soon, passes off. But the prosperity to which the Governor General alludes is undoubtedly the agricultural prosperity of the country. Though, Sir, the farmer has not perhaps been able to obtain that price for his wheat which he did some time ago; though now a cloud hovers us, and the times are black, and though the agriculturists are not as prosperous as they were, when he was there things had a different appearance, Canada, Sir, in an agricultural point of view, is prosperous, any country is prosperous which a man coming from Europe with a small capital, upon which he would starve at home, can

settle down, and by industry, honesty, and obedience to the law, can obtain for himself a freehold estate, and independence in every sense of the word; when in the other country he would not be able to earn more than the wages of a common day-labourer. Therefore, Sir, I cannot support that portion of the amendment which expunges the assertion that throughout the country he met with indications of universal prosperity.⁵⁶ He would now refer to the paragraph about the Post-Office⁵⁷. That portion of His Excellency's speech...has not been touched upon in the amendment, because we must all be convinced that it requires reformation (hear, hear;)⁵⁸. That it was much wanted, all would agree, because it affected the pockets of all⁵⁹. That is the true reform, that is the reformation which is expected day after day by those who have to correspond with their friends and other individuals in the Province.⁶⁰ He argued that a cheap postal arrangement had succeeded in every country where it had been tried, and therefore it would succeed here.⁶¹ It is time that the Post Office here was placed upon a footing similar to that upon which the Post Office in England has been placed, and the Post Office in the United States also. It is high time that the evil of high postage should be removed, and, Sir, when that question does come before us, for at the present we are not in a condition to undertake it, when it does come before us I do hope and trust a measure will be carried which will have for its object the reduction of postage to a very small amount.⁶² It was absurd to say that to reduce the postage would injure the efficiency of that department.⁶³ It has been proved in England, and I have it from very high authorities indeed, that the Post Office Department is increased amazingly by a depression on the rate of letters, and it is clearly accounted for. You may put it, on this principle, that when the postage is small, of course there will be a greater amount of correspondence. The system of heavy duties, Custom House Duties, is ruinous, nothing can be more injurious than to impose heavy duties upon products introduced into this country. The Post Office Department in England shows that it is not high postage which will increase the revenue, and so it is also with high Custom House duties. I, Sir, for one, should import a great many things from the United States were not the duties so high as they are. (Hear, hear.) Then, Sir, His Excellency tells us that a⁶⁴ practicable⁶⁵ line of railway is proposed between Quebec and Halifax, Sir, we ought to feel obliged to His Excellency for this great national benefit⁶⁶, at least he (Col. P.) was...because it showed that the Executive was willing to support such great projects.⁶⁷ If anything will ever advance the prosperity of any country, and Canada in particular, it is the construction of railways (hear, hear;) and, Sir, I do hope and trust that there will be no danger thrown in the way of this great project. (Hear, hear.)⁶⁸ In a few years there would, doubtless, be a railroad from Montreal to Toronto, and from thence to the Western sections of the Province--he trusted the House would give the Great Western Railroad its assistance, by a grant of money, for he was certain that it would pay well.⁶⁹ ((He)) asked that minor schemes should not be allowed to interfere with this great national undertaking. He called on Parliament to assist in the completion of this great work, and had no doubt the incoming Liberal Administration would support it.⁷⁰ The new Ministry would have great power, and he trusted that it would so

use it as to give satisfaction to the whole country.⁷¹ On that part of the speech, Mr. Speaker, which refers to emigration, I have already made a few observations, and I do not think it necessary to trouble the House any more on that subject. His Excellency then asks us to look to the amendment of the University of King's College, and I ask the House to look at this matter, I ask them to pass a bill as liberal in its character as that which was introduced in the last session; I ask them to pass a bill as liberal as that, and if they do this, they will give great satisfaction to the country; but if they pass a bill or introduce a bill which has for its object executive interests; then, Sir, that bill I will not consent to; it will not be satisfactory to the country⁷² ((and)) would not receive the support of the country.⁷³ (Hear, hear.) I ask the administration, whether it be the ((intention of the)) present or any future administration, to establish liberal endowments and deal with that University in the way it ought to be dealt with; but if not, I for one would rather see the entire endowment broken up, and the valuable property with which it is endowed distributed evenly and carefully for purposes of general education. (Hear, hear.) Now, Sir, I come to that part of the speech which refers to an "equitable mode of assessment" in Upper Canada which His Excellency recommends. I think that our Assessment Laws are very ineffective, I think, Sir, that property situated near towns, as mine is to the town of Sandwich (though God knows the market there is not much to boast of) is infinitely more valuable than that of my friend who lives in the settlement some miles back, and yet, by the present law, I pay no more tax than he does.⁷⁴ Now he thought that property near towns should be higher taxed; but he was no advocate for that system of assessment, or sort of income tax⁷⁵ which will oblige the merchant, the professional man, the tradesman, and the shop-keeper of Canada to disclose his private affairs to the Tax Collector. (Hear, hear.) I will not go so far as that, and I will oppose every measure which is introduced for the purpose. But, Sir, I cannot believe that a Government professing liberality will ever condescend to introduce the measure, which seems to be anticipated by some of those whom I have the honour to represent. His Excellency also speaks of the necessity of improving the system of Judicature in both sections of the Province;⁷⁶ and he was sure all would agree there was ample room for it.⁷⁷ Our system of judicature is not what it ought to be, and I agree with His Excellency that improvement is needed.⁷⁸ The Law Officers of the Crown had, it was well known, been most assiduous in their endeavours to amend the system of Judicature, ever since they held office; but there was still much to be done. In the first place there was the Court of Chancery in Upper Canada, of which he (Col. P.) might be said to be the father. But he did not think that it had worked well, because it was found to be too costly, and because it had not been presided over as it should have been. Here there was great room for improvement, and it would be for the hon. member for the Fourth Riding to determine and point out the reform required, and his hon. friend was well able and qualified to do so. Another glaring deficiency in Upper Canada, was the want of a Court of Appeal. Such a Court was much required in that section of the Province, and he trusted that measures would be taken to establish it. Another reform which he thought equally called for, was the

division of the profession⁷⁹ without which they could never have an able Bar or a learned Bench⁸⁰. The duties of Barrister and Attorney should never be amalgamated, because a man could never acquire a great knowledge of his profession, if he was liable always to be interrupted, and his time wasted upon clients calling upon him. A man required to spend all his time in his Library in study, if he wished to attain eminence in his profession, and it was to the division of the two professions, that the Bench in England was much indebted for its high character for learning.⁸¹ And now, Sir, I come to that part of the reply to His Excellency's speech which says--

"That we agree with His Excellency, that Canada possesses in singular abundance the elements of prosperity and social happiness, great natural capabilities, and enterprising, intelligent, and rapidly increasing population, institutions fitted to reconcile liberty with order and the blessing of peace, secured to her, under Providence, by the patriotism of her sons, and her connection with a State which is both just and powerful. That we believe that the duty of turning these advantages to account, in so far as these objects can properly be effected by Legislation, devolves upon Parliament, and that we fervently join with His Excellency in the prayer that we may acquit ourselves of the responsibility with fidelity and success.

But Sir, I find that that is to be expunged, and another paragraph is to be introduced, and now let us see what that paragraph is--

....."That with the possession in singular abundance of the elements of property and social happiness,--resulting from her great natural capabilities; her enterprising, intelligent, and rapidly increasing population; from institutions which, in their main characteristics, are so well fitted to reconcile liberty with order; and from the blessings of peace secured to her, under Providence, by the patriotism of her sons, and her connection with a State which is both just and powerful,--Canada requires only that these advantages should be turned to account by an equitable and constitutional Government, and by wise and practical legislation, to secure those blessings permanently to her people."

"That we feel deeply the responsibility devolving upon Parliament in the endeavour to accomplish these important objects; and we cordially join with His Excellency in the prayer that we may acquit ourselves of that responsibility with fidelity and success."

"That we feel it, however, to be our humble duty to His Excellency, that it is essential to the satisfactory result of our deliberations on the important subjects which His Excellency has been graciously pleased to direct our attention, and on other matters of public concern, that Her Majesty's Provincial Administration should possess the confidence of this House and of the country and respectfully to represent to His Excellency that that confidence is not reposed in the present Advisers of His Excellency."

I cannot myself see the propriety of introducing a vote of want of confidence into this reply. (Laughter and ironical cheers,) I do not think it is clever. I think my hon. friend for the Fourth Riding might have been content with voting down the question, and have left it to my hon.

friends to resign in a proper manner⁸² which they probably would have done at once of their own accord.⁸³ He did not think in this matter that the hon. Member for the North Riding of York had been allowed to exercise his discretion, for that hon. gentleman was an excellent special pleader, and this amendment was a blunder.⁸⁴ It is very hard in them to say that they had no confidence in the Ministers, Sir, I have very great confidence in the Ministry. (Ironical cheers and laughter.)⁸⁵ He spoke seriously--(renewed laughter)⁸⁶. I have no doubt the hon. member for the First Riding of York will jump and up and say, "There's Col. Prince; look at his inconsistency."⁸⁷ (Laughter.)⁸⁸ I have no doubt in the world that consistency will be the string upon which he'll touch. (Hear, hear.) I am a plain Englishman, and I happen to have an opinion of my own; I wish the hon. gentleman was the same. I may be led now and then (hear, hear;) but it is the peculiarity of the old Briton to have an opinion of his own, and to vote and act and speak according to what he conceives to be right. (Laughter.) He does not follow in the wake of any particular party or person. (Hear, hear, hear.) It is not Englishman like to do so, (much laughter,) although I believe my hon. friends are Englishmen, too.⁸⁹ ((He, Col. Prince)), expressed his decided conviction that he was not to be led by the nose by anybody.⁹⁰ He only voted for what he himself believed to be right, and, therefore, he often varied in his votes from either party, and he happened to differ from the hon. members upon his side of the House upon which he sat upon the present occasion.⁹¹ I happen to differ from this amendment on the Speech, and I happen to believe that there ought to be confidence placed in the Administration. (Ironical cheers.) I'll tell you why. What have they done for the country--for the people? The people of the country, it is true, have sent hon. gentlemen here as their representatives, who, by their votes, I have no doubt in the world, will pass a resolution that they have no confidence in the Government. But I don't concur in that opinion;⁹² for what had they done that they should declare that they had no confidence in them?⁹³ I think it is too much to say that they have no confidence in the Ministers.⁹⁴ He thought Ministers deserved censure for many of their acts but it was evident the people did not think so for none had lost the confidence of their constituencies⁹⁵. (Hear, hear, and laughter.)⁹⁶ Every one had retained his and (looking to the Treasury Benches) there it is.⁹⁷ But why is this confidence to be withdrawn? The Reformers will say, they are Conservatives and we are Reformers. What do they mean by Reformers? I hope to hear from some of my hon. friends; I want to know; and I leave them to explain the difference between Reformers and the members of the present Administration. (Ironical cheers.) I am perfectly incapable of understanding it. (Laughter.) I want to hear from some of my hon. friends on this side of the House, who intend to support this amendment (sic) in what they differ from my hon. friends now in the Ministry.⁹⁸ Were there any Reforms which a Conservative Ministry would not be as willing to carry out as a Liberal one; and if they considered for a few moments what the present Ministry had done to reform laws, and compare it with what the ex-Ministry had done, he must say that the latter would be found wanting.⁹⁹ Let us see what these gentlemen have done in the last session of Parliament. I will, first of all, apply myself to the law reforms; and I will

ask the former Administration, whom they supplanted, if they ever did so much? They cannot answer me in the affirmative, that they have done so much. I contend that I can prove that the present Administration have done more than¹⁰⁰ the self-styled Reformers¹⁰¹ ever did in one session.¹⁰² Why were they, therefore, now to declare that they had no confidence in the present Ministry?¹⁰³ It is true that in the commencement of the last Parliament I withdrew my support from the Administration (loud cries of hear, hear.)¹⁰⁴ Why did I withhold my support¹⁰⁵? Because there was a leading member of it in whom I had not the slightest confidence; because there was one with great ability, great energy,¹⁰⁶ great powers,...learning and talent,¹⁰⁷ but greater hypocrisy and cunning (hear, hear,) who, with his silvery tongue could deceive mankind, and who, having--as I considered--betrayed the high trust imposed on him, sat in this House as a leader. The sight of his face here raised my indignation; and I withdrew my confidence from the whole¹⁰⁸ flock because there was a black sheep amongst them.¹⁰⁹ (Laughter.) But, Sir, times are changed; there has been an infusion of talent--of independence--into that Administration. (Hear, hear.) I allude particularly to my hon. and learned friends, the Solicitor and Attorney Generals (hear, hear;) and, though hon. gentlemen may perhaps differ with me in opinion, I say that they have exhibited, during the progress of their Administration, as much liberality and talent¹¹⁰ as ever any Ministers had,¹¹¹ perhaps¹¹² even in the House of Commons¹¹³ of Great Britain. (Ironical cheers and laughter.) In them, then, I have some confidence; and I have it, because I have no fault to find with them on the score of illiberality. Nor have I for one moment hesitated to discover that they are as great Reformers as any men can be. (Hear, and laughter.) It is said out of doors, 'Oh, what's the use of keeping them in; they've done nothing.' (Hear, hear.) Sir, the last session of Parliament was a short one in point of duration of time; but, under that Administration, one hundred and ten acts were passed. (Much laughter.)¹¹⁴ Was that nothing?¹¹⁵ Is it to be denied that that is evidence of industry? (Hear, hear.) Is not the majority of these Acts approved of by the House, and did not every member of this House sanction them? (Hear.) I am now calling attention to what is called liberality, and I ask you to show me in what the former Administration have been more liberal?--(Ironical cries of hear, hear)¹¹⁶ He would like to see any Ministry which could be more liberal, more industrious than they had been. Six of the Acts passed last Session, relating to the laws of the Province, were of great importance. There was the law to prevent malicious injuries to persons and property by fire or explosive and destructive substances--the statute to shorten the time of prescription in certain cases--the statute for compensation of families of persons killed by accident¹¹⁷ (hear, hear)--a most liberal and useful measure. (Hear, hear.)¹¹⁸ And there was the statute for amending and consolidating the law relating to forgery, which was much wanted, and which, strange to say, had been omitted by the hon. gentleman, who introduced the Act amending and consolidating the Criminal Law, in 1844.¹¹⁹ They had acted most liberally in my opinion in abolishing to a certain extent, imprisonment for debt. (Hear, hear, hear.) Then there was the Master and Servant's Act, introduced by my honorable friend, the member for Frontenac.¹²⁰

Hear, hear, from the Opposition.¹²¹

COL. PRINCE ((continued:))--He (Col. Prince) believed ((this Act)) had given more satisfaction than any other law that had been passed.¹²² ((These were)) not Acts on great political questions, but useful measures¹²³. These, Sir, are the laws which do the people good; this is true reform--this is true liberality. These are laws which satisfy the people throughout the country. (Hear, hear.)¹²⁴ It was such acts that would endear them to the people.¹²⁵ They understand these simple laws; they feel the want of them; they avail themselves of the advantages of them, when we who are sitting in this House consider them of comparatively slight importance. Now I dare say the gentlemen who support these amendments will say these laws were not all acts of the Ministry¹²⁶, that these Acts were carried by the aid of members on this side of the House, as well as by the Ministry, and that they had therefore as good a right to get credit for them as the Ministry, but¹²⁷ you will recollect, Sir, that all Acts of Parliament passed during a session are to be considered as acts of the Administration, as they pass under the sanction of and are liable to be controlled by the Ministry of the day¹²⁸, and because if they had not supported them they could not have been passed.¹²⁹ I do say that in points of legal reform--that with regard to the addition of salutary laws for the advantage of the people at large--this Administration did well during the last session. (Hear, hear.) But, Sir, I will ask whether Upper Canada at least, if not Lower Canada, has not a right to feel indebted to them for the measures they passed. There was the bill for the payment of the rebellion claims--(hear, hear,)¹³⁰--an act of beneficence and justice¹³¹--a bill which has given universal satisfaction to men of all political and other creed¹³². A better law had never been enacted.¹³³ Sir, there is another matter of importance for which Upper Canada feels deeply indebted, and that is their law for the encouragement of agricultural societies, which was most acceptable and useful for the whole people¹³⁴...((and)) savoured of true liberality.... The present Ministry were also entitled to great credit for their liberality with respect to their conduct regarding the mining resources of the country; no less than eleven bills were passed last session, every one of which would have for its result the¹³⁵ development of the mining resources of the country.¹³⁶

Loud, ironical cries of hear, hear.¹³⁷

COL. PRINCE ((continued:))--Yes, sirs, you may well say, "hear, hear," when I say that under the provision of that Act, £30,000 has been¹³⁸ speculated¹³⁹ (hear, hear, and laughter,)¹⁴⁰ upon the shores of Lake Superior and Huron for mining purposes while not 30,000 shillings had yet been received in return.¹⁴¹ But has £30,000 been expended out of the public funds--has 30,000 farthings been drawn from the treasury for such a purpose?¹⁴²

Hear, hear, from MR. AYLWIN¹⁴³ ((and others)).¹⁴⁴

COL. PRINCE ((continued:))--The gentlemen who cry hear, hear, were the opponents of these salutary measures last session, for which they had my opposition, and which induced me in a great measure to forfeit my con-

fidence in them. (Ironical cheers.) For some reason best known to themselves, they opposed some of the best¹⁴⁵ ((and)) most useful measures which had ever come before Parliament¹⁴⁶ viz., for the development of the mineral resources of the country.¹⁴⁷ He, (Col. P.) would like to know how... (they)) justify... ((their)) having done so--and if there had not yet been received 30,000 shillings for £30,000 which had been spent, they might yet receive the money which had been laid out and more; and, if they did not, the money at any rate had gone to improve and open up the resources of the country.¹⁴⁸ It was... ((their opposition to the measure)) which forfeited my confidence in them, for I was disposed to think that their great object was to supplant the Administration, that they might have their places.¹⁴⁹ His hon. friends... might possess what opinion they pleased upon the acts of present ministers; but¹⁵⁰ there were other measures which had been passed by the present Ministry, for which they were entitled to great credit.¹⁵¹

MR. CHRISTIE--The Bill to defray the expenses of the Administration of Justice in Upper Canada.¹⁵²

COL. PRINCE--Yes, they had to thank them also for that just and liberal measure; and yet it was said that the present Ministry had done nothing. He would also like to know if¹⁵³ it ((was)) not reserved to them also to¹⁵⁴ introduce and carry an address to Her Majesty, praying for the free navigation of the St. Lawrence.¹⁵⁵ Is that nothing?--is that not¹⁵⁶ true liberality--was not that true reform.¹⁵⁷ Where is your reform compared to that? (Laughter.) I say, Sir, it is infinitely more important than the passing of bills to prevent¹⁵⁸ public¹⁵⁹ meetings and processions.¹⁶⁰

Loud cries of hear, hear, from the Treasury Benches.--¹⁶¹

COL. PRINCE ((resumed:))--What do the people of Canada care about the processions?¹⁶² It was a farce to talk about measures for the putting down of secret societies, or for the regulation of meetings, and to compare them to a measure like that¹⁶³. The Administration that is to be will take no advice from me--(hear, hear);--but if they would, I would¹⁶⁴ advise them to give their attention¹⁶⁵ to improve the local interest of the country¹⁶⁶ and the development of its resources,¹⁶⁷ to introduce railroads and measures which tend to the agricultural prosperity of the country, and are of far more importance than any abstract notion of colonial government. (Laughter.)¹⁶⁸ ((They should)) leave such things as he had spoken of alone.¹⁶⁹ Let them leave the people to themselves, and they will protect their rights and liberties by industry, integrity, and perseverance. (Hear, hear.)¹⁷⁰ The navigation of the River St. Lawrence was a measure of great importance, one which would be of great benefit to the country, and one for which the Ministry deserved great credit. It had been left to the present Ministry first to sanction the doctrine of free trade, and that was liberality. Parliament had been dissolved, and they had a new Parliament, and many had been the taunts that had most unjustly been thrown upon the Ministry for not doing so sooner. They were told yesterday that the last Parliament was dissolved by the advice of the ministry and they acted properly¹⁷¹, wisely, independently, and honestly¹⁷² in doing so.¹⁷³ They had not the majority

they desired, and they appealed to the country for its decision; and that appeal alone¹⁷⁴ ought to screen them from the accusation that they had held office after they had no right to do so¹⁷⁵, ((and)) from any imputation on their honesty, or their honor. The decision was adverse, but he did not believe¹⁷⁶ that any of the Ministry regretted the result of doing so, and he did not believe that one of them regretted the loss of the¹⁷⁷ honors¹⁷⁸ ((and)) emoluments of office, in getting rid of the onerous duties of office. They had not been ambitious of power, for if they had they might have filled up many offices--many of them very important offices and many of them with high salaries, which had been allowed to remain vacant¹⁷⁹ ((which)) could have been legally filled up, but were left vacant for their successors; another proof, they cared not for the emoluments of office.¹⁸⁰ There was, for instance, the office of Adjutant-General of Militia which had been allowed to remain vacant for a long time--there was also a judgeship for this district, which they refrained from filling up--(hear, hear)--they merely restrained from doing so--(hear, hear)--and left it to their successors to do so.¹⁸¹ And now, Sir, I must apologize to this House for having detained them so long. I shall sit down with the assertion that I believe the present Administration--weak as they are--to be strictly honest, industrious and pure.¹⁸² It might be said that they had been corrupt, but he was satisfied it was impossible to prove it.¹⁸³ I have no doubt they will be charged with having done wrong in retaining office by a small majority for a number of months--nay, I may say for a year or two--(hear, hear); still, there are precedents where others have done the same thing. Look to the time of Mr. Pitt, when he was beaten night after night in the House of Commons, but stood by and would not surrender that grand castle--the British Constitution--which, in his opinion, was attempted to be stormed and destroyed. (Cheers and laughter.) And, coming down to a later period, what do we see? Lord Melbourne's Administration--a pattern of perfection--an old English Whig, like myself--(laughter)--¹⁸⁴ although a Whig here meant a Tory¹⁸⁵. Here, a man to be liberal must be destructive¹⁸⁶. Lord Melbourne's was a liberal ministry¹⁸⁷ that...I should have voted for, had I been in the English House of Commons. Lord Melbourne held office, and transacted the business of the country, through his brother ministers and himself¹⁸⁸ for a long time with a smaller majority, if they took into consideration the difference in the numbers of the members of the Houses, than the present Ministry always had.¹⁸⁹ And after all, when a dissolution did take place, Sir Robert Peel only carried a vote of want of confidence by a majority of one. Well, Sir, with such precedents as these before us --with such examples in English history of such recent date as to be within the memory of us all--are my hon. and learned friends on the other side to be taunted with corruption, and holding offices improperly. Sir, they have transacted the business of the country satisfactorily; and I have not the slightest doubt whatever that if they had retained office, and allowed the Parliament to die a natural death,¹⁹⁰ as they might have done,¹⁹¹ they would have given infinite satisfaction to those who look upon the acts of honest men with anything but a jaundiced eye. (Ironical cheers and laughter.)¹⁹² He would therefore move the resolution that an humble Address be presented to His Excellency in reply

to his speech. If any member would second it, for he did not know who was to do so.¹⁹³

A short pause ((ensued)), no one rising from the other side of the House to second the motion¹⁹⁴.

MR. CHRISTIE--rose from the Opposition benches and ((said))¹⁹⁵ "I will second it."¹⁹⁶

(16)

Motion for
an Address.

Mr. Prince moved, seconded by Mr. Christie,
That an humble Address be presented to His Excellency the Governor General, to thank His Excellency for his gracious Speech from the Throne:

To express our gratification that His Excellency has called us together at so early a period after the dissolution of the last Parliament; and to assure His Excellency:--

(17)

That we rejoice that he has, during his recent tour through the Province, met with the most gratifying indications of general contentment and prosperity in all the Districts which he visited:

That we learn, with the greatest satisfaction, that steps have been taken for placing the Post Office in British North America on an improved footing; and that we shall give our most anxious consideration and attention to any measure which may be proposed to effect this important object:

That we receive with much pleasure, the information that a good and practicable line of Railway between Quebec and Halifax, has been discovered by the Officers to whom the exploration was confided:

That we unite with His Excellency in the expression of deepest concern for the distress and suffering attendant upon last year's immigration; and we are gratified to know that Her Majesty's Government have bestowed on the subject the most anxious consideration, with a view to the introduction of such provisions into the Imperial Passenger Act, as may afford a security against the recurrence of similar disasters. And that we shall be happy to co-operate with Her Majesty's Government in their precautions, by the passage of a Bill, which we hope shall have the effect of discouraging the introduction of diseased and helpless persons into the Province, without checking the tide of healthy immigration which so powerfully contributes to its advancement:

That we shall be happy to receive the several communications, on these and other important matters, which have been addressed to His Excellency by Her Majesty's Secretary of State for the Colonies:

That we shall give our most attentive consideration to any measures that may be proposed for embodying the provisions generally applicable to Railroad undertakings,--for amending the constitution of the University of King's College,--for adopting a more equitable mode of Assessment in Upper Canada, and for the improvement of the system of Judicature in both sections of the Province:

That the Accounts of the past year, and Estimates of the present year, shall receive our best consideration, and that His Excellency may

fully rely on our readiness to grant the Supplies necessary for the Public Service:

That we place every confidence in His Excellency's disposition to co-operate with us in all measures calculated to promote the public welfare:

That we agree with His Excellency, that Canada possesses in singular abundance the elements of prosperity and social happiness--great natural capabilities--an enterprising, intelligent, and rapidly increasing population--institutions fitted to reconcile liberty with order--and the blessing of peace secured to her, under Providence, by the patriotism of her sons, and her connexion with a State which is both just and powerful. That we believe that the duty of turning these advantages to account, in so far as these objects can properly be effected by Legislation, devolves upon Parliament, and that we fervently join with His Excellency in the prayer that we may acquit ourselves of the responsibility with fidelity and success.

MR. CHRISTIE¹⁹⁷--said that he had not intended to second the Resolution, but as no one had answered to the call of the hon. member for Essex, he had done so.¹⁹⁸ The time of need was not the time to desert a friend or a foe; neither was it a time for reproach. The Ministry had fallen. This was no time to cast a stone at them.¹⁹⁹ If he had any reproaches to make to the Ministry, he would not take this time to do it--²⁰⁰ now they were at the end of their power, it was not for him to load them with obloquy or reproach, so far from doing so he would²⁰¹ take his opportunity to point out some of the services done by them to the country; and would endeavour to show that they had done more for the good of the country than any other Ministry since the Union. Before doing so he would mention what measures he considered the ex-Ministers were entitled to credit for, in order that he (sic) might judge of the truth of his statement.²⁰² The hon. member...said he had voted with and against both ((the Ministers and the ex-Ministers)) and called upon them to bear evidence of his independence of both.²⁰³ The ex-Ministers were entitled to great credit for the Bills they introduced in 1843, for the regulation and protection of public meetings, and also for another measure of great importance to the country, namely, the election law--there was also the Common School Act of Lower Canada, which it is true was not a very perfect one, but still it was a foundation for a better, and a law for which he considered they were entitled to great credit; there was also the Bill to make the Judges independent of the Crown, another good law, but a very lame one, in consequence of no tribunal being created before which parties guilty of misconduct could be tried. The next measure was the Judicature Act, and he would leave it to them to say whether they were improvements or not. He believed that it left them infinitely in a worse condition than they were previously; and he trusted that, when they came into office again, they would bring forward some new measures to remedy their present imperfect system of judicature, and he would give them his support. The next measure for which they were entitled to credit, was the Census Act, even although a very imperfect one--then there was the measure to secure the Province from loss upon the sale of the Sei-

gniority of Lauzon, which had prevented that valuable property from being sacrificed; and there was the School Act in Upper Canada, for which they were entitled to great credit; there was also the Custom Bill which they introduced, a bill which would have increased the patronage of the Crown to a very great extent, and which they therefore wisely dropped upon this being pointed out. They were, he thought entitled to some credit for that: he now came to the most important subject of all. They all knew that by the Union Act, a civil list was required to be granted by them in a manner which he held to be unconstitutional and to be contrary to all justice. He thought when the late Ministry came into office, that they would do something to get this obnoxious list repealed. But²⁰⁴ although the Baldwin-LaFontaine party had talked about it, it was but as sailors threw a tub to a whale, for they did nothing.²⁰⁵ He found that they were all too busy attending to their own interests and to that of their friends, for them to do so; and the first session passed over without their doing anything. The second session they did nothing--the third session they certainly did something; but nothing which would intrench upon their own salaries, although it did reduce the salaries of other officers of the Government. Seeing that there was no likelihood of their doing so, some resolutions were introduced by an independent member of the House, at that time, which reduced the salaries of most of the Government officers. But he did not think that they were entitled to any credit for that, for at the time they were introduced, when they talked of reducing their own salaries, it was "hush, hush," "they could not reduce their own salaries." And that, at a time when the salary of the Att'y General (East) was between £2,000 and £2,500--of the Attorney General (West) about £1,800--that of the Solicitor General (East) about £1,000, and that of the Solicitor General (West) £800, besides £100 each as Executive Councillors, and yet they claimed great credit for consenting to these resolutions. But when their successors came into power, they took up the subject in a proper manner, and reduced the salaries of all, including their own, and that very much to their credit.²⁰⁶ He would tell the House of all the good acts of the ministry; plenty, no doubt, would be found to relate their bad ones.²⁰⁷ He would not do so because he expected to gain anything by it, but because he thought the country was indebted to them, and that he would be ungrateful, if he did not return them his thanks for the measures which they passed for the benefit of the County he represented. The hon. gentleman here, at some length, referred to the great benefits conferred upon his County by the Fishery Law, and upon the country generally by the Customs Bill, the Act for preventing riots in the vicinity of public works, the Act appropriating a sum for expenses of geological survey of the country, the Lower Canada Municipal Act, the Act to provide for Elementary Instruction in Lower Canada, the Act giving £19,000 for the improvement of the navigation of the River St. Lawrence, for each of which measures he thought the Ministry were entitled to great credit. There was also, he continued, the bill granting the loan of £100,000, for the relief of the sufferers by fire at Quebec, for which they had been much abused, and he himself did not know whether, after all, it was a very wise Act, but as an act of munificence only, they were certainly entitled to praise for it--

there was also another law for which, he considered, the present Ministry were entitled to great credit: it was the Act which put Upper Canada on the same footing with Lower Canada, with respect to the expense of the Administration of Justice--that measure was very unpopular with most of the members for Lower Canada; but he thought that the measure, too, was founded on justice, and the last thing for which he would refer to for which he thought the Ministry were entitled to the thanks of the country, was their hearty support of all measures to abolish that burden which hung upon our necks, the Feudal Tenure. Again he must give them his praise for what they had done to his constituents. They had exempted from all duties, those things which were requisite to carry on the fisheries, a favor which he never could obtain from their predecessors, and he thought he would be mean if he did not thank the Ministry for it in the face of the country. The people of Gaspé were so thankful for it that if any of the Ministers ever begged in that county, he was certain that they would find every door open to them for it²⁰⁸; they would be fed for the term of their natural lives.²⁰⁹ The hon. gentleman in concluding²¹⁰ had a few words to say on that great production--that Golden Calf, Responsible Government. As carried on in this Province, what was it but the spoil system of the United States. What we have is but the inversion of true Responsible Government²¹¹, a curse to the country... nothing but an approximation to the institutions of the neighbouring States, to republicanism from which he said, "heaven defend them"²¹².

Hear, hear.²¹³

MR. CHRISTIE ((continued:))--You may hear, hear, as much as you like; I want you to hear. Since the late elections what have we heard on all sides, but that this one and that one should walk out; that every subordinate from a messenger to a magistrate, was quasing (sic) lest they should lose their offices. This was anything but British practice. It was a disgrace to Responsible Government. Under a just system, every subordinate is restrained in office while he conducts its duties with honesty, diligence, and propriety. But our system is the reverse of this, and²¹⁴ he would be much mistaken if it did not breed trouble for the country before many years elapsed.²¹⁵ A man now gets into office from political agitation; not from merit. Let us look at the expectants. There are many, very many, who will be a discredit to the country. He cared not whom he might offend. He wanted none of these political agitators, these brawlers. He wanted men of probity, character, and moderation, and he could not see these qualities in the candidates for office. The Responsible Government going on was a government of faction. Give me, concluded the hon. member, give me a man who will herd with no party; who will exercise his judgment, and who will vote as he pleases. I take this opportunity of telling Hon. gentlemen a few truths, but they may depend on it, whenever the member for Gaspé finds a good measure, he will vote for it, let who may, bring it forward.²¹⁶ He assured the hon. gentlemen on both sides, that he entertained nothing but kindness for both of them.²¹⁷

MR. STEVENSON--(Prince Edward)--supported the address²¹⁸. ((He))

would have had great pleasure in seconding this resolution had the hon. member for Gaspé not done so. He then proceeded to give his reasons for having confidence in the Ministry²¹⁹.

MR. BALDWIN--²²⁰ said, Sir, with respect to the hon. and learned gentleman who moved the Address²²¹ tonight²²², he at all events has shown that he has a happy imagination; and being deficient in material on which to ground the praise of the present Ministry and the fate of the country,²²³ his fancy has supplied all the beautiful and poetical images he could wish. It is so, too with the hon. member for Gaspé,²²⁴ who seconded the Address,²²⁵ ((and)) who has assured both sides of the House--these on the other side, and those who now on this side may soon occupy seats on the other--that he is activated by no feelings of unkindness towards either of us. I know not why the hon. gentleman should have thought it necessary to make such an observation, for,²²⁶ with regard to ourselves, I am sure that the hon. member for Gaspé may rest perfectly assured that I cannot imagine him guilty of any unkindness towards us, and with regard to the gentlemen opposite, it is perfectly impossible that he should feel any unkindness towards them²²⁷. Did not the hon. gentleman in an earlier part of his remarks, even assure them, that if they were reduced to begging in Gaspé every door should be thrown open to them²²⁸ ((and)) they shall always receive alms from him. (Laughter)²²⁹ Why the hon. gentleman did not extend the same offer to this side he (Mr. B.) could not understand, since he and his friends had always aided the hon. member for Gaspé in passing his Gaspé Fishery Bills, and the fifty other useful and highly important measures which he always had before the House for the benefit of his peculiar constituents. If it was because the hon. member conceived the hon. gentlemen opposite to stand in more need of assistance in consequence of the trying position in which they were placed, he could only say it was a very cruel allusion of the hon. member.²³⁰ Why, then, the hon. member should conclude with an assurance to both sides of the House that he has no ill will towards them, I am entirely at a loss to conceive, unless it be that²³¹ ((he)) desired to show his consistency--²³² that consistency for which he and the hon. mover of the Address are so much admired,²³³--that consistent love which appeared in both hon. gentlemen, of looking to those who actually are, or are likely to be, seated on the Treasury Benches²³⁴--a consistency for which both these gentlemen are happily distinguished, and I have no doubt will be as long as they have seats in this House. (Hear, hear, and laughter). With respect to the proposition with which the hon. member for Essex started--if I understand him to insinuate that the person who drew up the amendment to the Address was deficient in respect for the head of government who delivered that Address--all I can say is, that it is a bad specimen of the constitutional knowledge of the hon. and learned gentleman to impute any part of that speech to any other source than that which I take to be the true constitutional rule--namely, that it must be treated by this House as the speech for the Ministers of the Crown. (Hear, hear.) If the hon. and learned gentleman had only read his primer upon the constitution of this country, he would have known that to impute any part of that speech, except as proceeding from the²³⁵ Responsible Ministers²³⁶ of the Crown, is not consistent with Parliamentary usage in the Mother Country, or with the

usage which has been received here since the adoption of British Government in the country. (Hear, hear.) The speech from the throne is to be dealt with as proceeding from the Ministers of the Crown--the paragraph which we propose to amend being introduced into it on their responsibility; and answering which we are treating a proposition of theirs, and not of the head of the government. (Hear, hear.) The hon. and learned gentleman forgot to remark that the time at which His Excellency's tour through the Province took place was at a period prior to the late general election (hear, hear); and while in one breath he admits that the result of these elections has shown that the people of this country are not satisfied with the affairs as they stand, he expressed surprise in the next at any proposition in the amendment to that Address, which should protect ourselves from the imputation of admitting a state of contentment which the result of the late election completely denies. (Hear, hear.) He began with admitting, as did also the seconder of the Address, the entire defeat which the Ministers and their partizans and supporters had experienced throughout the country at the late election. This being admitted to be the case, it is obvious that any paragraph intended to convey an assurance that the people of this country, prior to the general election--the period referred to in the speech from the throne--were in a state of prosperity and contentment, is not borne out by the result of these elections; for if such had been the state of prosperity and contentment, then,²³⁷ the result would have been different²³⁸ ((and)) there would have been no necessity for introducing this amendment, which declares that the hon. gentlemen opposite no longer possess the confidence of this House or the country at large. (Hear, hear.)²³⁹ We could not admit that in the earlier part of the Address, which in the conclusion we repudiate.²⁴⁰ Therefore all the eloquence of the hon. and learned gentleman on that portion of the amendment was entirely thrown away. His objection was founded on an unconstitutional view of the speech itself; and, in the next place, he did not, or would not, see the inconsistency which would necessarily have followed from our adopting the language of the Address which the Ministers have chosen to put into the mouth of the Representatives of the Crown with regard to the prosperity of the country. (Hear, hear.) The hon. gentleman admits that the farmer does not receive a remunerating price for his wheat; and perhaps he might also recollect another important interest in this community, which, by the by, has been entirely overlooked in the speech from the throne²⁴¹ and which, certainly, has not been remarkable for its prosperity.²⁴² Not even a passing reference...((had)) been made to the commercial distress so extensive and severe during the past year. The hon. gentleman, while he figures to himself the hospitalities of the Grange, and the splendour of the fine city of Toronto, forgets the sad scene which many of the counting houses of our merchants depict--(hear, hear)²⁴³. He had conjured up by the art of his imagination all sorts of beautiful things, and out of them has manufactured what he calls the prosperity of the country.²⁴⁴ ((He)) has forced himself to admit that the farmers of the country are not in the receipt of a remunerating price for their grain, and this in a speech in which he condemns us in being cautious in admitting a state of prosperity and contentment. The hon. gentleman has then descanted, and so has the

hon. and learned member for Gaspé at great length on a variety of measures, for which he chooses to give credit to the present Ministers, and compared them with what he considers the short comings of the late Administration. But the hon. member for Gaspé, with all his love for the late Administration, both prospective and retrospective, (laughter) forgot altogether, no doubt in perfect candour (laughter), to show the perfect impartiality with which he wished to treat the subject; to remind the House that the late Administration²⁴⁵ held power only thirteen months, with two half Sessions of Parliament--while the present ministry had been in office four years and three months, with three full Sessions; and after all the very comparison instituted was very favourable to the late Administration.²⁴⁶ They carried through no complete session of the Legislature (hear, hear), although he speaks of what they did not do in the second, and, I believe, of what they did not do in the third session of their Administration²⁴⁷ there being in fact no third session at all.²⁴⁸ (Hear, hear, and laughter.) The hon. gentleman shakes his head, but these certainly were his words. (Hear, hear.) I am willing, however, to take this retraction of them.²⁴⁹ He ((Mr. Baldwin)) thought the hon. member rather prejudiced in favour of the men who had done so much for Gaspé.²⁵⁰ Sir, in the long array of bills which the hon. and learned gentleman has brought forward with that love for his constituents²⁵¹ which no one can admire more than I do (laughter), we find that the Gaspé Judicature bill, the Gaspé Fishery bill, and the Lord knows how many other Gaspé bills (laughter)²⁵² which he makes to constitute the great merit of the Administration. He is right to give this prominence to the advantages conferred on his constituents; for the pertinacity with which they have stuck to the hon. member, is only equalled by that with which he has stuck to the Ministry, even in their hour of need--a pertinacity, however, which might not be so conspicuous, had the numbers been clearly balanced instead of the majority being overwhelming.²⁵³ The hon. member for Gaspé also referred to the subject of the reduction of salaries, and has given credit to the present Ministers, as if they were the sole originators of the proposition connected with that subject²⁵⁴, although he is obliged to acknowledge that he had heard something which was sent to the authorities at home on the subject.²⁵⁵ Now if the hon. member would recollect, I don't want to deprive him of the credit of bringing in the resolutions to which he referred; but if he had read the communications which were made to this House by the Head of the Government with reference to that subject, he would have found that it was one of the first things which occupied the attention of the late Ministry. (Hear, hear.) The hon. member for Gaspé well knows that the subject of the Civil List was one which, particularly in this section of the Province, had for years and years produced most important collisions between the Home government and the Government of the Province--he knows well the jealousy with which the Home Government were hostile to any attempt to alter that provision or any movement towards it--he knows very well that nothing could be more important in order to accomplish the removal of that most unconstitutional and unjust provision of the Union Act, than as a first step to procure from the Home Government such an assent to a movement upon the subject as would be likely to lead to their acquiescence in it. If that had not been done the conse-

quence would have been, that they, particularly in the hands in which the Government then was, would have become alarmed, and supposed, that instead of desiring to remove the evils which fell on the country, we were desirous of making it a mere matter of agitation, which, I can assure the hon. member for Gaspé, I have as little inclination to do²⁵⁶ as he, or²⁵⁷ the present Ministry or any other member of this House. (Hear, hear.) What I desire is, by the application of those talents which Providence has blessed me with to bring about for my country practical relief and reform,²⁵⁸ and when I see that these are to be accomplished by reference to others having the power to carry them out, I am desirous to lay, through them, a proper foundation for ultimate success.²⁵⁹ This was the course which the late Ministry, when in office, pursued; and does the hon. gentleman imagined that the present Ministry derived no benefit from the foundation laid by their predecessors? (Hear, hear.)²⁶⁰ No Ministry could do more--none were more sincerely desirous to succeed in the object than we were; and if the present Ministry have carried through such a bill, it is because others have laid the foundation.²⁶¹ Sir, I think the present Ministry would require the credit of all that can be fairly given to them, and a great deal more to sustain them, as the late election shows, in the confidence of the people and of this House. I don't want to deprive them of one sprig of the chaplet which the hon. member for Gaspé and others have placed upon their brows, but the Ministry that first took steps in this matter was the late Ministry, of which I had the honor to be one. (Cheers.) The hon. member for Essex has told me of the importance of the measures proposed in the speech²⁶² and of their value to the country; he spoke of them as if they were measures to be carried, whoever was at the head of the Government. That was certainly a poor compliment to the hon. gentleman's friends; but I am not surprised at it, for none of these subjects are new.²⁶³ He has descanted on the importance of the Post Office reform, and that it will be a subject of consideration in this House--²⁶⁴ is it fresh?²⁶⁵ He has told us of the University bill, the Assessment bill, and the King's College bill. Is this the first opportunity which the hon. member for Essex has had of calling attention to these subjects, or that the hon. gentlemen opposite have had of considering these questions, and being prepared with measures for the settlement of them? (Hear, hear.)²⁶⁶ The hon. member and the country know that they were all under consideration²⁶⁷ for years and years²⁶⁸ by the late Ministry, and that every measure which the present Ministry has promised,--promised session after session--it has uniformly failed to perform.²⁶⁹ It was with the promise of these that they went to the election in 1844; and these measures have been alluded to in every speech from the Throne from that period down to the present time, and yet now, at this period, the hon. gentleman calls upon us not to support the Ministers of the Crown in the measures they have proposed, but hopes that their successors will take up these important questions, showing, after all, the little confidence he has in the present Ministry, as a means of settling these highly important measures. (Hear, hear.)²⁷⁰ The hon. member has spoken of one hundred and ten bills passed during the last session; and the hon. member for Gaspé had mentioned more particularly the hundred and eleven

measures--I was going to say--for this county. (Laughter.) But what sort of measures were they?²⁷¹ From the measures the hon. member had named, he thought he must have been rather hard run to find good ones.²⁷² There was the Proscription Act, which the hon. gentleman spoke of as most valuable; there was the Forgery bill, the Act with regard to persons killed by accidents, the Insolvent Debtors Act; what are all these great measures which he spoke of as matters of so much importance? The hon. member for Essex, the English gentleman (laughter,) the English lawyer, he surely recollects that these are mere copies from English Acts (hear, hear,) which the hon. gentlemen opposite had the important and laborious duty of directing one of their clerks to copy from the Statute Book in the library, altering them so as to suit the Colony. (Hear, hear.) Surely the hon. and learned gentleman so well read in English law, so well acquainted with all the improvements in the system, must be aware that all these valuable measures are but copied from English Acts of Parliament.²⁷³ So hard run was the hon. member that he was compelled to have recourse to the hon. member for Frontenac's masters and servants' act of last session, which, in the doubtful position of his friends, the hon. gentleman lent to them to make out the catalogue of their merits²⁷⁴ but which was entirely remodelled in Committee.²⁷⁵ (Laughter.) But, Sir, I will not detain the House further by dwelling upon the list of measures which, after all that has been said, turn out, for the most part, to be measures copied from English Acts of Parliament (hear, hear,)²⁷⁶ ((and)) which, were they all due to the Ministry, would be as nothing in comparison to the measures of real importance they have neglected.²⁷⁷ I have had on more than one occasion to regret the necessity of moving an amendment to a speech from the Throne, because I have, as a general rule, been anxious that the speech should contain allusions to such subjects as would enable the representatives of the people²⁷⁸ to be unanimous in corresponding to the words of the speech. On the present occasion, I feel no such difficulty. The Representative of the Sovereign, acting on the advice of the Administration, as we have been assured by²⁷⁹ the Attorney General West, in a previous debate,²⁸⁰ and as I have no disposition to disbelieve, for I love the constitution too much to desire to doubt that it has been adhered to, though I must here remark that I think the hon. gentlemen opposite were too sensitive to newspaper rumours, especially to such an one as that alluded to,--the Representative of the Sovereign, acting on constitutional advice has dissolved the last Parliament and appealed to the people²⁸¹ for the purpose of taking the opinion of the people on the state of the country, and as a necessary consequence, on the confidence which they felt in the Ministers of the Crown²⁸². It has been admitted²⁸³ by the mover and seconder of the address on this occasion²⁸⁴ that that opinion has been given against them²⁸⁵. I therefore feel no regret in moving this amendment, for not only is it a duty which I owe my Sovereign and the people, but as a matter of courtesy to the gentlemen opposite; they have appealed to the country in a constitutional manner, and it is due to them and to the country that the answer to that appeal should, at this the earliest possible opportunity, be distinctly and clearly laid before them. The hon. member for Essex will find that in doing so I have followed the precedent set in the case of the Reform

Ministry in 1841²⁸⁶, and I have even used the same words to be found in those English precedents which I am always desirous of following.²⁸⁷ Why then should he, with his knowledge of the English Constitution, be surprised that such a course should be taken, and should cavil at it, when I have followed on this occasion English precedents. I say, that the hon. and learned member should be surprised, that after such an appeal to the country, and such a reply to that appeal, an amendment like this, in accordance with English practice, should have been proposed, I am at a loss to conceive, unless he supposed that his eloquence and the eloquence of the hon. gentleman who seconded the motion, and of Her Majesty's Ministers, would have such an effect upon the House as to prevent us from performing that duty which our constituents sent us here to perform, and induce us still to repose confidence in the gentlemen opposite, who, by their own admission, have lost the confidence of the country. (Cheers.) I have, Sir, so frequently had occasion to enter in detail into the various measures and acts of commission and omission of the hon. gentlemen opposite, that it would be tedious for me to enter into them on this occasion, I shall therefore refrain from it, leaving that part of the business to be attended to by some of the fresh blood which has been infused into the deliberations of this House in consequence of the appeal which the hon. gentlemen opposite made to the country, I shall at the same time, however, briefly refer to what I believe to be the grounds upon which Her Majesty's present Ministers have in the eyes of the country at large been deemed undeserving of any longer retaining their confidence; or shall I say undeserving of ever having had their confidence (hear, hear;) for I do not believe they ever had, strictly speaking, the confidence of the country at large. (Hear, hear.) It is true that, by a variety of circumstances, they obtained a majority of one or two at the commencement of the last Parliament--²⁸⁸ which we were told last year, was as good if it were of one, as of twenty; yet it was obtained under circumstances and by means that satisfy me that they never had a fair majority from the country at large.²⁸⁹ (Hear, hear.)--That is, of the great majority of the constituents--the electors--of the country: therefore, Sir, I was wrong when I spoke of the result of the last election being that of withdrawing the confidence of the country from the Ministry, although undoubtedly it had the effect of withdrawing the confidence of this House from them. And, Sir, with respect to the principles upon which any Ministry can claim the confidence of the country and the House, the very first question asked by the lover and the respecter of the constitution would be as to the manner in which the persons in power obtained that power? (Hear, hear.) By the first and greatest statesman of the mother country this has always been a prominent consideration in enquiring how far any Ministry are entitled to the confidence of the country. (Hear, hear.) If they have not in the first instance obtained power in a constitutional manner, that is sufficient to deprive them of the confidence of the country²⁹⁰ or at least to make the country suspicious of them. Now, I believe the manner in which the present Government obtained their power in 1843--speaking of the various individuals that have composed it since that time as one Ministry--has largely contributed to the result of the late elections.²⁹¹ (Cheers.)

The manner in which they obtained power was not that which the British Constitution recognizes; it was not that by which any of the great statesmen of the mother country, whose names stand high in the historical records of their country, have sanctioned its being obtained. Those who have so obtained it--although their great talents may have enabled them ultimately to sustain themselves--have always been condemned for the manner in which they came to power. But with regard to the means by which the hon. gentlemen opposite obtained the position they now occupy, was it in consequence of a great change in public opinion, of which they were the representatives?--was there any great question before the Province on which they taking one view and the Ministry the other, they obtained the voices of the people? No! but in consequence of an attempt on the part of the Head of the Government to prostrate the very principles on which they themselves have professed to carry on the Government--to conduct the Government upon principles entirely inconsistent with the constitution, which he professed to admit (cheers)²⁹²--which in the words of their late leader were the only principles on which the Government of the country could be conducted.²⁹³ Sir, we were compelled to leave once because we were not consulted on the appointments which were made--a course which their late leader himself declared to be unconstitutional.²⁹⁴ What was the language of the leader of the Opposition on the subject of the Adjutant Generalship of Militia? It was language infinitely stronger, though perfectly right and consistent with the constitution, than any which his predecessors had employed--perfectly inconsistent with those opinions under pretext of which the prerogative was declared to be in danger²⁹⁵. At the elections of 1844, it was represented that it had been the purpose ((of)) the late Ministry to deprive the Representative of the Sovereign of his constitutional power; and by this means the present Ministry were enabled to carry a sufficient number of the elections to obtain a majority at the commencement of the season. Since then, the people of this country have watched the course pursued by the hon. gentlemen opposite--both the principles upon which the last Ministry went out and the conduct of the present Ministers,--and they have found that they obtained power under false pretences²⁹⁶. They profess, said he, to adhere to British principles, but they never regarded British practice; they profess one thing--they perform another; I do not speak of individuals I speak of them as a whole.²⁹⁷ In respect to all the outcry in 1844, they had prostituted their prerogative in the appointment of officers far more extensively than had been done by any other party in the history of this country.²⁹⁸ They have seen Inspectors of Canals, West and East, they have seen the Prince Edward job, under circumstances which require only to be mentioned to excite indignation from Kingston to Hamilton. The Administration too has been seen to force the representative of the Sovereign to retract the appointment made to the hon. member for Hamilton²⁹⁹ in order that they might confer it upon a relative of certain members of this House, for the purpose of obtaining a party majority³⁰⁰. So far were they from showing any regard to the representative of the Sovereign, that, in the words of the Secretary, he was compelled to withdraw his appointment. And yet these are the gentlemen who induced the country to believe that we wanted respect for the head

of the Government. I wish new members of this House would refer to the strong terms used last Session with regard to that appointment, and they would see that the motive was to obtain Parliamentary support in this House. These were some of the considerations which the people of the Province revolved in their minds³⁰¹. They have compared these facts with the outcry raised against us in 1844, and they have felt that the Ministry which had obtained power under such circumstances was not worthy of the confidence of the people, and they have sent us here to pronounce a verdict of condemnation on them for that and other faults. (Hear, hear.) Again, Sir, they have watched the manner in which this Administration was formed. They have had time and opportunity³⁰² to compare it apart from the alarm and prejudice of 1844, and to compare it with³⁰³ the conduct of statesmen in the mother country, and they have found no parallel in that history, from the period of the revolution of 1688,³⁰⁴ down to the present time³⁰⁵ for the manner in which the arrangements out of which the present Ministry grew were completed. They found no precedent for the Head of the Government hastening the prorogation of Parliament, without any responsible Ministry, and without filling up the Executive Council for months. They found no head of the Government--no regular formation of a Ministry--one Ministry dropping in after another³⁰⁶ instead of the whole list being completed at once³⁰⁷. They found that there was actually no Finance Minister--no Inspector General at the period of the election³⁰⁸ from the resignation of its predecessors till the commencement of the first Session.³⁰⁹ (Loud cries of hear, hear, hear.)--The people of the country found in the history of the Mother Country no example for this mode of forming a Ministry; for not only did they meet Parliament without an Inspector General, but when he was appointed, he parted from his colleagues shortly after upon a question of great importance--one of those questions which the hon. member for Essex calls upon the future Ministry to settle--he found it necessary in the discharge of his duty to abandon them before³¹⁰ the end of that, their first Session.³¹¹ And then what was the position of the hon. gentlemen opposite? Why, they were without an Inspector General till months after the close of the session. The people of this country found no precedent for all this in the Mother Country, and they have returned members to this House in overwhelming numbers to declare the want of confidence of the country in the present Administration. (Cheers.) Sir, another comparison has been made between the hon. gentlemen opposite and the Ministries of the Home Government as to the material of which this Ministry is composed. When I speak of the materials, of course I speak not of the individual talent of any of the gentleman opposite; I speak of them as a whole--as an Administration claiming to themselves to be in a position to conduct the affairs of the country with advantage to the country and with credit to themselves. The people of the country have compared them with the Imperial Government, and what have they found? Sir, you cannot take up a debate³¹² in England³¹³ on a want of confidence motion without finding it stated by all parties that the duty of a Ministry is not only to give the country good measures, but to protect it from bad measures. Why is it that the country places their confidence in a Ministry? It is because they deem them capable of exercising a proper influence over the Legislature in forwarding measures calculated to promote

the happiness and prosperity of the people, and also in preventing the passage of measures calculated to produce injury to the country at large. In what respect have the hon. gentlemen opposite showed themselves competent to the position which they fill? The Administration were divided on some of the most important measures before the country. First, with respect to the University question, what was their position with regard to it? Was not one of their Inspector Generals obliged to resign on that question³¹⁴--a question not rising into importance during the session; but one which had been before the country for years, which had been announced by themselves as the most important subject that could be taken up, and which was unparalleled in interest except by the question of the Clergy Reserves?³¹⁵ How he came to take office does not appear, as the question had been before the country for years. Yet on that important question the Inspector General joined the Ministry without an understanding as to the views of his colleagues, and he was obliged a few weeks after to resign office, because he could not concur in their views; other members of the Government tendered their resignations on account of important differences of opinion. The people of this country compared all this with the conduct of statesmen in the Mother Country, and could find no parallel for it. Did not another member of their body feel himself obliged to tender his resignation, because this measure of such vast importance was to be read a second time, because this measure was to be settled³¹⁶, at a time when it was declared to be of the utmost consequence it should be settled³¹⁷ to prevent the whole country being thrown into confusion? One gentleman goes out, others remain in, and the Bill was read a second time, with a sort of understanding among the gentlemen opposite, that nothing further should be done with a measure which the leader of the Administration had declared to be of such importance. The people of this country compared this conduct with the conduct of Ministers at home, and have found no instance in which statesmen in the Mother Country have acted in the same way. With respect to the manner in which this measure of so much importance has been so frequently dealt with, I need say little: it is before the eyes of every man. After abandoning it in the first session of Parliament, they delayed bringing it forward for months after the Head of the Government had refused to hear counsel for the college at the bar against it; because if he allowed them to be heard, the chance was, that there would not be time to pass the bill in that session of Parliament; and, after this, it was again abandoned.³¹⁸ Six weeks passed over in the second session without its introduction, till it was forced on the Ministry by one of their friends, who brought in the same bill as before. After abandoning this bill, as before, another one was introduced in the next session, which turned out as abortive as the first.³¹⁹ This is the mode in which hon. gentlemen opposite dealt with this important question; shewing that they have not that unity--that firmness of purpose--which is required to enable them to dispose of it in a manner advantageous to the country.--So much for the great measure which the country expected from them, and which they declared they would direct their attention to. Take, then the question of the Clergy Reserves. I can understand why a Ministry should have a difference of opinion upon questions while they yet remain unsettled in the public mind--whilst it

yet remains uncertain--whilst public opinion is gradually rolling on and concentrating upon any great question;--because the Ministers of the Crown ought to be the representatives of public opinion. A Ministry, to be efficient and capable of performing the duties of the position which they occupy, ought to be those who concur with the great masses of the community upon those questions on which public opinion is settled³²⁰ for it was to that end that they are called on to influence the Councils of the Sovereign agreeably to the wants and wishes of the people at large.³²¹ Now if ever there was a question upon which public opinion is settled, it is the subject of the Clergy Reserves. (Hear, hear.) I ask any member if he dare go down to his constituents and recommend an investment of that property so as to create an ecclesiastical tenantry? No man can pretend to say that public opinion in Upper Canada is not settled upon this question,³²² that there is the slightest difference of opinion on that question.³²³ And yet, when that question was mooted in the House, one of the Ministers reported in favour of an investment and the other against it. The Ministry which, on questions of such vital importance to the interests of the country--a question, too, on which the mind of the country is made up--cannot agree, is not capable of conducting the affairs of the Province with honour to themselves or advantage to the country.³²⁴ The hon. member for Kingston was not then in the Ministry but there were those who represented his opinions, and these were separated from their colleagues who thought differently. In fact they were pretty equally divided, and the people hearing the leader of the government express so strong an opinion in favour of investment have withdrawn their confidence.³²⁵ With regard to the other measures which the people of the country had reason to expect from them--a measure for the amendment of King's College and a measure for the settlement of the Assessment Law.³²⁶ With respect to the Assessment Law, I wish to remind the House that part of the claptrap of the elections of 1844 was the abuse of that law. We were accused of bringing in such a bill applicable to Upper Canada, while we refrained from doing so with regard to Lower Canada: but it was never allowed to go before the public that in one part of the Province there was an assessment law to be amended, while in the other there had never been an assessment--nor was it ever explained either that the assessment law imposed no new tax, but merely regulated the manner in which old taxes should be raised. But well knowing that whoever dealt with this subject, must deal with it in the same manner, the hon. gentlemen themselves have introduced their bill in just the same shape as we or any other persons must have done. The people have observed this; too, and hence the withdrawal of their confidence.³²⁷ Then, Sir, the people of this country have remarked the course which the hon. gentlemen opposite took with regard to the other portion of the Legislature. If anything is more important to sustain the constitution aright, it is the maintenance of the other House in public opinion. But the hon. gentlemen had to bring down a member of that House for the purpose of leading them in this³²⁸--a degradation utterly inconsistent with English or Constitutional practice, or respect for the other branch of the Legislature³²⁹. I believe that the hon. gentlemen opposite--even now, if they dare avow it--would admit that that was a step highly unconstitutional and unjustifiable, which nothing but the hard necessity of doing it or going out of office could have induced them to accede to. (Hear, hear.)

But if they have disregarded the constitution, so have they the laws of the land. The people of this country have marked how the hon. gentlemen, in direct defiance of an Act of Parliament, and for the purpose of buying up Lower Canada, issued an immense amount of scrip to the militiamen of that section of the Province--not only without the authority of an Act of Parliament, but in direct defiance of an Act of Parliament (Hear, hear, hear.)--I do not deny to the militia of Lower Canada the same bounty as the militia of Upper Canada; but what I complain of is, that instead of its being done by act of Parliament, as it ought to have been done, it was done by a mere unauthorized³³⁰, outrageous³³¹ act of the Governor, at a time when a Ministry was but partially composed, and when the general election was coming on, at which it was hoped that the people of Lower Canada would be purchased by the grant of that scrip. (Hear, hear.) Sir, I understand how a Ministry feeling a great public necessity should overstep the bounds of law for the public safety. When an enemy is at the door, a Ministry must not look to what is strictly legal: they must do what is safe; and I should be ever ready, not only to relieve them from the responsibility they had assumed, but to thank them for it. But what was the necessity that this act should be done by the mere prerogative of the Executive Government? In 1843, '45, or any other year before or since, there was no such necessity: the delay of a year could make no difference when compared to the outrage upon Parliament. (Cheers.)³³² Then, again, if rumour speaks true, a most important act for Lower Canada, requiring, too, all the influence of the public men to support it, has been opposed at the instigation either of the actual members of the Government, or at least, of those, who ought to have their confidence.³³³ The people have watched, too, the expression of opinion which the hon. gentlemen have used with respect to one another; they have watched the correspondence which has been laid before the public with respect to strengthening themselves in this House and the country; and they have seen that fifteen months after the accepting of office by a later distinguished member of the government, another member of that government declared that the withdrawal of that member from the administration was essential to its strength. What confidence can the country have in such men? I have never failed to express my approbation of the conduct of the hon. member for Simcoe (Mr. Robinson;) I admired the independence of spirit with which he threw up office, but I know not how he could so soon go back again. I can assure that hon. gentleman that the remembrance (sic) of the many years of affectionate³³⁴ social³³⁵ intercourse passed with him, made me sincerely regret to see him return, and in an inferior place, to the Ministry. The people of the country watched all this, there were indications of unsoundness in the very ground work upon which the administration stood, and showed the necessity of withdrawing public confidence from them. What do we see with respect to the conducting of the business of this House? In England it always has been for years and years an evidence of the weakness and incapacity of a Minister of the Crown to refer their measures to a committee; it is done by a weak minister to escape the responsibility of the measures that he introduces³³⁶. After forming their plans, this ministry has referred them to committees selected from their own friends, and then allowed them to die a natural death, as they would say; as I would

say, have allowed them to be smothered.³³⁷ What was the course which this ministry pursued with respect to their measures? what was their course with respect to their Assessment measure in 1845? After having brought in the bill, and received the support of this side of the House, we voting for the second reading of it, although we then thought it did not go far enough, in consequence of some disagreement between themselves and their supporters, notwithstanding all the assistance they were likely to receive from our side of the House, they sent the measure to a special committee;³³⁸ but without any instruction for the Committee to make a speedy report, or any attempt to get the Bill out of their hands.³³⁹ And what more did we hear of it? No exertion was made by the Ministers of the Crown to get it out of that committee, but here it was allowed to rest, and we heard no more of it till the next session, when it was again brought up and read a second time and abandoned. Is that the mode of conducting the public business? Was that the way in which the late Ministry acted during the short session that they held office under the Crown? Is that the way in which any ministry which deserves the confidence of the country ought to behave in this House? (Hear, hear.) The Ministers of the Crown ought to possess such a majority as will enable them to pass their measures. (Hear, hear.)³⁴⁰ In England, Ministers will not carry on the Government with majorities of one; nor do they think they have proper respect for themselves or the country if they remain in power, except with a majority to give effect to their own views, of what is important for the good of the country. There are many other things, which, no one can doubt, have excited indignation during the continuance of last Parliament. The treatment of the elections for Leeds, Montreal, and other places were repudiated, and deservedly so by the country at large³⁴¹. But while these are the grounds of which the country has sent a large majority to this House for the purpose of withdrawing from the present administration any semblance of confidence which their small majority in the last Parliament enabled them to claim. I look upon this vote as involving much more important considerations than the rise or fall of any ministry or any party. (Hear, hear.) This, Sir, will be the first time, if this vote as I have no doubt it will be, is carried in the affirmative; this is the first time in the history of this Province in which that great step has been taken in obtaining that influence over our Executive Government, which the people of this Province has been claiming through years and years of past struggle; this will be the first occasion upon which such an effect will have been given through a vote of the Representatives of the people. (Hear, hear.)³⁴² In 1842, a change took place, which resulted from a threat to carry such a vote as that now proposed; but the weight which will be attached to the vote itself will be infinitely greater.³⁴³ The vote of this House to-night will show whether the people of this country have, in fact, obtained that indirect influence over the Government of their country, which their fellow-subjects in Great Britain have obtained since the Revolution³⁴⁴ ((of)) 1688³⁴⁵ (hear, hear), which is the birth-right of every British subject (cheers)³⁴⁶ in every part of the dominions of the Queen.³⁴⁷ If the result of this vote is, that the hon. gentlemen opposite no longer maintain the position of the advisers of the Crown, the people of this country will

have obtained the first fruits of their long struggle³⁴⁸ ((and)) suffering³⁴⁹ and it will be demonstrated that the great principle has been conceded. This vote will have a still more important consideration³⁵⁰. I know that dissimulation has been attributed to the home government--that it has been said they never intended to grant the concession, or rather the claim--for I will never admit that to be a concession which was our right from birth. This will test their sincerity, of which I have never entertained a doubt. If, as I have no doubt, from the character of the Representative of the Sovereign, and of the Imperial Government as I understand it, the result of this vote shall call into office those who have the majority of the voices of the people³⁵¹ instead of the hon. gentlemen opposite; it will afford an opportunity of testing whether the representatives of the Imperial Government in this country are prepared to give all equal advantages to the representatives of the people whether they belong to one side of the House or the other. (Cheers.) For myself, I have no doubt that the result of this vote will be what I anticipated--I have no doubt that the Mother Country has made up her mind that this great colony and the other colonies possessing a constitution, shall hereafter be governed on British principles and in accordance with British practice (cheers)--I have no doubt that the effect of this vote will be to prove to the country at large³⁵², to our sister colonies, and to the world, that the management of our local affairs has been honestly placed in our hands.³⁵³ I look upon it that there is a most important consideration growing out of the vote which will be taken this night--important not only as settling a question always heretofore held to be uncertain in many minds, but as³⁵⁴ confirming the means of accomplishing reforms by the regular application of constitutional principles and practice.³⁵⁵ Upon these grounds I feel proud, at this late period of my political career, of having the opportunity to-night of being the mover of an amendment³⁵⁶ ((which)) would assure the country and himself that we not might hope for Constitutional Government³⁵⁷--which, I believe, will have the effect of deciding this question and satisfying the country of the truth of this principle, and that there is no difficulty in the application of it. (Cheers.)³⁵⁸ I feel proud...of carrying such a point, after long struggles...during which I have always confided in the uprightness of the Imperial Government, (loud cheers.)³⁵⁹

(17)

The Honorable Mr. Baldwin moved in amendment, seconded by the Honorable Mr. LaFontaine,³⁶⁰ that the words in the said motion:--"That we rejoice that he has, during his recent tour through the Province, met with the most gratifying indications of general contentment and prosperity in all the Districts which he visited," be struck out, and the following inserted in lieu thereof:--"That we rejoice that His Excellency derived so much satisfaction from the tour which, during the recess, he was enabled to make through the Province;" and that the words in the said Motion:--

"That we agree with His Excellency, that Canada possesses in singular abundance the elements of prosperity and social happiness--great natural capabilities--an enterprising, intelligent, and rapidly increas-

ing population,--institutions fitted to reconcile liberty with order, and the blessing of peace secured to her, under Providence, by the patriotism of her sons, and her connexion with a State which is both just and powerful. That we believe that the duty of turning these advantages to account, in so far as these objects can properly be effected by Legislation, devolves upon Parliament, and that we fervently join with His Excellency in the prayer that we may acquit ourselves of the responsibility with fidelity and success," be struck out, and the following substituted in lieu thereof:--"That with the possession in singular abundance of the elements of prosperity and social happiness,--resulting from her natural capabilities; her enterprising, intelligent, and rapidly increasing population; from Institutions which in their main characteristics are so well fitted to reconcile liberty with order; and from the blessings of peace secured to her, under Providence, by the patriotism of her sons, and her connexion with a State which is both just and powerful,--Canada requires only that these advantages should be turned to account by an equitable and constitutional Government, and by wise and practical legislation, to secure those blessings permanently to her people:

That we feel deeply the responsibility devolving upon Parliament in the endeavour to accomplish these important objects; and we cordially join with His Excellency in the prayer, that we may acquit ourselves of that responsibility with fidelity and success:

That we feel it, however, to be our humble duty to submit to His Excellency, that it is essential to the satisfactory result of our deliberations on the important subjects to which His Excellency has been graciously pleased to direct our attention, and on other matters of public concern, that Her Majesty's Provincial Administration should possess the confidence of this House and of the Country,--and respectfully to represent to His Excellency that that confidence is not reposed in the present Advisers of His Excellency."

MR. INSP. GEN. CAYLEY--se leva. Il offrit d'abord la parole à M. LaFontaine³⁶¹.

M. LAFONTAINE--refusa.³⁶²

MR. INSP. GEN. CAYLEY³⁶³--I rise, Sir, to oppose the amendment proposed by the hon. Member for the North Riding of York, and to reply to the charges brought by that hon. Member against the Administration. The hon. Member has endeavoured to show that the opinion of the country, as expressed by the result of the late elections, is, in fact, the verdict of the country on the issue taken between the late Administration and Lord Metcalfe. I cannot so view it, nor will the Province in my opinion, so view it; that decision was pronounced in 1844, nearly 12 months after the late Administration had resigned office, when the country had had time to consider the points at issue between them and the late Lord Metcalfe, and the measures which they had introduced into that House--namely, the Secret Societies and Party Procession Bills, and the University and Assessment Bills, and the result of the elections shewed that the country had decided against them. The hon. Member for the 4th Riding of York had told the House that, on comparing our career and policy as an

Administration with the course followed by Ministers at home, he has ((been)) found as utterly wanting and inefficient. I propose to adopt a more humble comparison, and measure our career with that of the Administration which preceded us. In pronouncing on a question of merit, it is desirable to have some gauge (sic) or standard by which to test it, and hon. gentlemen opposite cannot object if I propose to take their acts and policy as the standard by which our merits and demerits are to be tested. In adopting this course I shall follow the example set by my hon. friend the member for Gaspé, and refer to the more prominent acts which have been introduced during the last five Session of Parliament. I do not agree in the view taken by the hon. Member for the Fourth Riding of York, that they had but a portion of two Sessions in which they had the opportunity of bringing forward their measures. They commenced that career in 1842, with a larger majority even than was shown on the late occasion, the election of Speaker; indeed, in the first four or five divisions, the minority never exceeded 8--generally ranged from 4 to 5. The largest minority was shown on the vote to remove the seat of Government to Lower Canada; a vote for which the hon. member will ever be remembered in Western Canada, as having advocated a proceeding in direct violation of the terms on which the Union of the Province had been based³⁶⁴.

Oh, oh from the opposition.³⁶⁵

MR. INSP. GEN. CAYLEY ((resumed:))--yes in direct violation of the terms on which that Union had been based. The Parliament of Upper Canada assented to the Union, on the condition that the seat of Government should not be removed from Upper Canada; the assent was acted on, and the condition disregarded. The administration of 1842 had the opportunity of prolonging the Session until they had introduced such measures as they might consider beneficial to the Country. They did not adopt this course, but, after a short Session, they prorogued the House promising, if I am not mistaken, to call them together again at an early day; did they do so? No; they took nearly the utmost limit the law allowed them. The second Session was a Session of two months, equal in duration to the Session of 1847, when more bills were passed than any other preceding Session since the Union. The most important act of the Session of 1847, indeed the only act to which I am prepared to give that term (I shall be happy to be corrected if I am in error) was an Act to provide for the freedom of elections, taken from an Imperial Act of the British Parliament, and adapted to the circumstances of the Country, and for which I am prepared to give every credit to the hon. member for the Fourth Riding of York. The most prominent Acts of the Session of 1843 were, first, three Acts affecting the judicature of Lower Canada introduced by the hon. member for Montreal (Mr. LaFontaine) namely to make better provision for the administration of Justice in Lower Canada; for the establishment of a better Court of Appeal in Lower Canada; and for the summary trial of Small Causes in Lower Canada; bills which so thoroughly satisfied the hon. member who introduced them, that he has successfully resisted all attempts which have subsequently been made to improve the administration of the Law in that section of the Province. The next Act on the list is

the Independence of Parliament Act, also introduced by the honourable member for Montreal, and for which I am prepared to accord to the hon. gentleman the full credit to which he was entitled. This Act is also a transcript, if I may so term it, of a British Act of Parliament, adapted to be the circumstances of the country, but somewhat more extended in its provisions, as by it the whole Clergy of the Province were disfranchised--a disability which, I am happy, to say, we had it in our power to remove at a subsequent period. The hon. Member for the 4th Riding of York also introduced several Bills, namely an Act to restrain party processions, one of the happy provisions of which was to declare, the Union Jack of England, our national banner for a thousand years, to be a party colour forbidden to be used by the subjects of the Queen in their festive processions--for this Act a large portion of Upper Canada, no doubt, feel deeply indebted to the Hon. Member. The next Bill, I am glad I have not to term it an Act, was for the discouragement of Secret Societies--a Bill with which the name of the Hon. Member for the 4th Riding will long be connected and which had no inconsiderable influence on the elections of 1844. The last Act of that Administration to which I shall refer, was to provide for the holding of orderly meetings--an Act, which, I understand, from what fell from the Hon. Member for Gaspé, has been of great use in Lower Canada. Here then, we have the result of the Legislative wisdom of the strongest Government which Canada has ever seen;--a great gun from the Hon. Member for the 4th Riding of York,--the Act to provide for the freedom of elections--a greater gun from the Hon. Member now for Montreal, termed "The Independence of Parliament Act,"--three Acts from the latter Hon. gentleman, affecting the Administration of the Law in Lower Canada, which, there is little doubt, this, or the next Session of Parliament, will see repeated, or greatly amended, and three measures, viz., "The party processions," "The orderly meeting," and "The secret societies Bills," introduced by the Hon. Member for York, which do as little credit to his head as to his heart. I will now turn to the measures which the present Administration have introduced, and which the Hon. Member for the 4th Riding has endeavoured to stigmatize as mere transcripts of the English Law. In reference to this observation, I have to remark, that whether good laws are good in substance and principle, or are adaptations of enactments, passed in other countries, to the state of things here, great credit is due to those who have given their time and ability to search out and adapt those laws to the state and condition of our country, for the purpose of having a good code of laws for our government and protection. The first Bills which I shall name, were introduced by my Hon. friend, the Attorney-General for Canada West, and which I shall simply enumerate, as the Hon. Member will probably desire to refer to them more at large than I can pretend to do, during the debate, viz., "An Act to regulate the practice in District Courts in Upper Canada;" "To make regulations for holding Courts of Assize, and of nisi prius, oyer, and terminer, and general jail delivery;" "To amend an Act to repeal the laws for the recovery of small debts in Upper Canada;" 2 "The amendment of the criminal law." An Act introduced by our late colleague, Mr. Papineau, for "Elementary Instruction in Lower Canada;" also several measures introduced by Mr. Draper, namely, "An Act to amend an Act, to amend

and consolidate the laws regulating the practice of District Courts," the "Militia Law," and the "Municipal Authorities Law." In reference to the subject of the Act which I had last named, I understand that the Hon. Member for the 4th Riding took credit, at the late elections for the support which he had given to the Bill of 1841; but, on reference to the Journals, it was found, that he had voted a six month's hoist--a little forgetfulness which not unfrequently occurs in election times. Also, a Bill introduced by our late Colleague, Mr. Smith, "for the registration of vessels." I notice this Bill, as it was not until it became the law of the land that that description of property on our inland waters could be effectively represented. Also, several Bills introduced by the present Solicitor-General: First, "An Act to consolidate the laws of forgery," which he begged leave to observe to the Hon. Member for the 4th Riding, was not a transcript, and "The Prescription Act," applying to incorporeal rights. Again, I will refer to "An Act to defray the expenses of criminal justice in Upper Canada," to which the Hon. Member for 4th Riding gave, what I may term reluctant consent, but which was an Act of only simple justice to Upper Canada; and, at the same time in order to make provision for so serious a charge on the Revenues, we introduced the Bill imposing a duty on the distillation of ...spirits--a Bill which, I may remark, operated prejudicially to us at the late elections, from the dissatisfaction entertained by many, at the imposition of a burden though light, and who appeared entirely to forget that this light and more generally divided burden, relieved them of the serious charge of defraying the criminal justice expenses. It does not, however, unfrequently happen, that benefits are quickly forgotten, while grievances are long remembered. The next Bill is for the application of the Revenues arising from the Jesuit Estates, to the purposes of education in Lower Canada. To this, also, I might say that the Hon. Member for the 4th Riding gave a reluctant consent. At the time when these estates fell in to the Crown, Upper and Lower Canada formed but one Province, and some hon. members might have considered that Upper Canada was entitled to her share of the distribution. The Bill, however, appointed the whole to Lower Canada, at the same time not confining the allowance to one dominant Church. Very possibly this Bill may be repealed, or very greatly changed, and doubtless with the consent of the hon. member for the Fourth Riding. I will also name the Copyright and Customs Bills, and the Civil List Bill. With reference to the last, I am more inclined to adopt the view taken by my hon. friend the member for Gaspé, than the version of the hon. gentlemen opposite. There was also the Debenture Bill in aid of the Quebec sufferers by fire--a Bill which although it did not satisfy the hon. members for Québec, I considered to have offered a large and generous aid at a heavy charge to the Province, to those who were so severely visited; also a Bill for the provision of the rebellion claims in Upper Canada, on which I shall only now make the remark, that the fund, (the tavern licences), on which these expenses were charged in Upper Canada, was, in Lower Canada, applied to municipal purposes. The last Bill which I shall refer to, was "to provide for the payments of the warrants of the Speaker of the House of Assembly in Lower Canada, amounting to £4,500," and which was the cause of much opposition to the present admin-

istration in Upper Canada; but which, viewing it as I do, as a simple act of justice--the payment of a just debt--I shall ever be ready to defend. While I consider the framing of good laws among the first duties of the Government, I do not consider it the only duty. There is a large amount of official business, or what may more properly be called state or council business, which devolves upon the Government and which cannot be left unattended to, without serious detriment to the public interests. And as a proof of the attention which the present Government have given to this portion of their duties, I will read the following comparative statement of the business transacted for the three years prior to the time when the present Government took office, and of what has since been done.--In the years 1841-42 and 43, 3676 cases were disposed of and 502 left undisposed of by the Administration who preceded us; then during the four following years, and to the 25th Feb. of this year including the period of the removal of the seat of Government, which occasioned much interruption to public business, 9815 cases have been disposed of, leaving a number under forty not reported upon. I will now turn to a subject which has been the occasion of frequent attack upon the Government--the management of the Customs. It has been charged upon the Government that their system has been a most expensive one, and that, by the creation of a number of new ports, they have added most seriously to the expenses of management. I admit that the expense attending the collection of revenue at a small port where little business is transacted, is greater than at the larger and more commercial ports; but I contend that if we can show that the expense of management and collection of the revenue now is no greater in proportion to the amount collected, than it was in the years 1841-'2 and '3, then no one would deny that the greater facilities given to trade by increasing the number of ports, and the opportunities of importing and exporting merchandize and produce, would more than justify the policy which we have pursued. The number of ports of entry in 1841 was 44; the number in 1847, 63. The gross collections for the year, 1844-'5 and '6, amounted to £75,615--in each instance under 6 per cent--while the great improvement in the amount of the revenue collected is more, in my opinion, to be attributed to the change of system, and to the greater vigilance evinced at the different posts, than to the operation of any changes in the Customs Laws. As an additional argument in favour of the present system, and as shewing in a still stronger light the advantage and superiority of it, I have to call the attention of the House to the fact, that comprised in the cost of collection for the years 1841-'2 and '3, as shewn in the above statement, that portion only appears which was paid from the public revenue, while another portion, not shown, was paid by the merchant and shipowner, and which operated as an additional duty or tax on trade, whereas in the statement of the expenses of collection for the year 1844-'5 and '6, all salaries and expenses connected with the department are exhibited, and the whole system of fees having been abolished, and I will now quote the former rate of charges to shew how onerously the old system bore on the trade. On vessels, permit to unload, under 5 tons, 1s 3d; over 6 and not over 50 tons, 2s 6d; over 50 tons, 10s; on a sleigh or cart, 1s 3d; on a raft, 1s 3d; (and brought by said vessels and carts.) Certificate of having goods paid

duty, 2s 6d; every bond for payment of duty, 6s; every clearance, 5s; and, to enable the House to form some opinion of what these charges might amount to at a single port, I will quote an extract from the report of Mr. Stanton, the Collector of the port of Toronto for the year 1846. Vessels entered the port:--

| | |
|----------------------------|------|
| British vessels..... | 2089 |
| Foreign, with cargoes..... | 659 |
| " in ballast..... | 2 |

Total.....2750

The foreign arrivals bringing 78,791 packages liable to duty, require to be verified on the reports made by their masters on their coming into port; and the 78,891 packages of goods distributed over 2,497 entries, passed by merchants and others, are delivered from the stores by permit. The next charge to which I will reply, refers to appointments to office. The hon. Member for the 4th Riding has spoken of Superintendents of Canals appointed to the East and to the West. We did appoint Mr. Dunlop to the Lachine Canal, and Mr. Gowan to the St. Lawrence Canals, but in this we closely followed the example set us by the Administration which preceded us. Has the hon. Member no recollection of the appointment of Mr. Bourne, Member for Rimouski, to the Chambly Canal? or of Mr. Merritt to the superintendency of the Welland Canal? In reference to the latter, it will be remembered that Mr. Robinson filled that office, and was removed, not upon a charge of unfitness, no, with the highest compliments, but because the office was no longer required; and yet, within a very few weeks, Mr. Merritt is appointed to the same office, holds it for a short time, and resigns it to save his seat in the House. Is the vacancy again filled up? No; a clear admission on the part of hon. gentlemen opposite, that the office was not required, and that the appointment was purely political. We are not prepared to admit that the office to which Mr. Gowan has been appointed, stands in the same category, and whether that gentleman be retained or dismissed, as I understand is threatened--the responsibility of which will, of course, rest with the hon. gentlemen opposite--we shall be prepared to justify the creation of the office. Upon the good management of the St. Lawrence Canal, the carrying trade from the West to the Ocean, in my opinion, mainly depends, and it will require the strictest and closest supervision, together with the most careful weighing of the question of raising or lowering toll on each article of merchandize transported through that channel, to ensure it success. On the Erie Canal I understand there were several officers whose duty it is to watch the trade and guard against any diversion of it from that line, and it behoves us to be equally guarded in reference to the St. Lawrence route. I am not an advocate for the removal of Customs duties and the imposition of heavy tolls in lieu. By such a course, I contended that they would drive the carrying trade from the St. Lawrence--a trade which, if properly conducted, will, in a very short space of time, double and treble the returns on the Welland, now yielding a revenue exceeding £30,000 a year, and force it (the carrying trade) across the United States from Boston and New York to Oswego and Rochester. I am an advocate for tolls the lightest possible on the St. Lawrence Canals, so as to give

the merchant an inducement to select that route to and from the ocean to the interior. Mr. Roblin's appointment has also been charged against us. Does the hon. Member forget the instance of Mr. Aylwin in 1842--very nearly a parallel case? Both gentlemen were on election Committees; but with this difference, in Mr. Hinck's Committee it was pretty generally known that he (Mr. Hincks) had abandoned the scrutiny; in Mr. Duggan's case, Mr. Aylwin was his nominee; and by the appointment of the latter to office, Mr. Duggan lost both his leading advocate, and a vote, and subsequently his seat. The election was declared void, and who was his opponent when he went again to the Hustings? No less a man than the hon. gentleman opposite, Mr. Baldwin who I am happy to say, was defeated in the contest; and, if I am not mistaken, was compelled to fall back on Rimouski. Again, we have been charged with exhausting the treasury, and with having brought the fund to a very low ebb. Do hon. gentlemen remember the state of matters when we took office. That our predecessors and the Administrations that went before us, had the very pleasant task of portioning out the loan of a million and a half, £50,000 here and £100,000 there; and with the most perfect indifference to the terms of the Act, which required that every work, before it was entered upon, should be carefully estimated, that they dealt out their contracts in the most lavish manner, pledging the credit of the Province to engagements which ultimately were found to require upwards of half a million beyond the loan originally raised for their completion: and for which the present Administration had to find the funds.--And yet, notwithstanding the disadvantageous position in which we were thus placed, increased by the general depression which had taken place in commercial matters, and the cramped state of the money market, we persevered with the public works, and brought the most important of them--the chain of the St. Lawrence Canals and the Lachine Basins--to completion. Again, we have been charged with an undue expenditure in Western Canada, to the prejudice of the Eastern section of the Province. A single glance at the public accounts will show that by far the heaviest expense has been incurred on what may be called the Provincial Work, that is, the great line of communication from the Western Lakes to the Ocean, by which Lower Canada and especially the cities of Montreal and Quebec have derived by far the greater advantage, while the improvements of the Ottawa, though called an Upper Canada expenditure, are most intimately connected with the trade of Quebec--supplying the thousand ships which come annually to that port for timber. Another heavy expenditure, the necessity of making provision for which fell upon the present Administration, was created by the Common School Act of 1843, by which it was provided that the School money unexpended in the years 1842 and 1843 might be claimed in subsequent years, in addition to the annual allowance. A short reference to the state of the consolidated fund at the commencement of 1842 will explain this. In January, 1842, the balance at the credit of the consolidated fund was £73,288, and in 1843 £79,347, showing an improvement in the revenue, or a saving in the expenditure of nearly £6,000. Again, in January, 1844, the balance at the credit of the consolidated fund was £115,505, showing an improvement of £36,000. From this, however, must be deducted the sum of £26,043 (see statement, No. 17, in public accounts for 1845) and in 1844 on ac-

count of the service of the year 1843, showing an improvement for that year of £10,000, or, in the two years of £16,000. Now let us examine the operation of the Common School Act, brought in in 1843. The whole money actually expended in 1842, was £14,493, and for 1843, £10,593, forming part of the expenditure just quoted; but by the Bill of 1843, authority was given to the superintendent of schools to extend the balance between the sums paid out in the years 1842 and 1843, and the annual allowance of £50,000. The consequence of which was, that in 1844 and 1845, demands were made for £44,930, for the service of the years 1842 and 1843, for which no provision had been made, and which could not be covered by the surplus of those two years, already quoted, of £16,000. The statement which I will now read, will shew the disparity of payment for school purposes during several years:

| | |
|---------------|---------|
| For 1842..... | £14,493 |
| 1843..... | 40,595 |
| 1844..... | 59,212 |
| 1845..... | 65,459 |
| 1846..... | 53,805 |

Another serious demand upon the public Chest has been created by the emigration of last year; and, although there is no reason to apprehend that the disbursement made by the Province in providing for the wants of the suffering emigrants, will not be ultimately defrayed from the Imperial Treasury, the uncovered advances made from time to time have been very large, at one time exceeding £80,000, and, at this moment, somewhat over £63,000. Yet, as there is no reason to doubt (as I have before remarked) that this advance will be repaid, and, as we have not anticipated the customs bonds, amounting to nearly £100,000, maturing in April, the gentlemen who succeed us will have no good ground of complaint that we have placed them in an embarrassing position with regard to funds. My Hon. friend, the Member for Gaspé, has already adverted to the great reduction in Ministerial salaries effected, by the present Administration; not, as is generally the case, operating prospectively, but directly by an absolute diminution of our own salaries, to which we have cheerfully submitted. Formerly, a salary of £1,000 was paid in sterling; now, in currency. The Executive allowance has been entirely done away with, and several offices abolished. The total reduction has effected an annual saving exceeding £4,000. The hon. Member for the Fourth Riding has made an allusion to the Caron correspondence, which I am prepared to defend--as also our last step, of appealing to the country, which had been so severely commented upon by Honourable Members³⁶⁶.

MR. BALDWIN--"I did not find fault with that proceeding".³⁶⁷

MR. INSP. GEN. CAYLEY ((continued:))--True, I am in error; I allude to the expression of disbelief which fell from an Honourable Member yesterday and the insinuation that we had been coerced to that course by a higher authority; this charge, if it amounts to any thing, affects the Governor-General equally with ourselves, for it implies that an unauthorized and most unwarrantable use of His Excellency's name was suffered to pass without contradiction. But, dropping that point, I will advert to what

fell from the honorable member opposite in reference to the Attorney-General West, to the effect that he had departed from the usual and dignified course, in noticing rumour and newspaper report. Does the honorable member for the Fourth Riding forget what occurred at the commencement of the last Session, when he thought fit to question the honorable member for Hamilton, who had taken his seat as Speaker of the House, as to his right to take the chair, justifying the question on the grounds of general rumour and newspaper report of his having accepted office? Does the hon. member forget the most indecent proceeding (if the term is not unparliamentary) of cross-questioning the Speaker in his place, touching a conversation which he had held 12 months before with the then Governor General, Lord Cathcart, in which the Speaker was an interested party, and on which the hon. member founded a resolution censuring the Government. To return, however, to the overtures made to the French party, I have no doubt as to the propriety of the course adopted by the Administration, or as to the right which the Gov.-Gen. had to be made fully acquainted with what had transpired prior to his arrival in the Province, and which the Confidential Correspondence produced by the hon. member for Montreal, without the consent of the writers, did not clearly explain. The terms of the last overture, commencing with the Memorandum for the Governor-General, have long been before the public, and although it has been said that no principle was involved in the question on which the negotiation was broken off, I contend, that the point at issue could not honorably have been waived by the Administration. The sentiment conveyed by Mr. Fox, on a well-known occasion, when he remarked, "that wars for points of honor were the only rational and prudential wars in which a country could engage," was equally applicable to our case; the alliance was not desirable and could not have been durable except on terms honorable to both. The result of the Elections, although differing widely from our expectations, has occasioned, I might safely say, no regret amongst ourselves at the course which we have taken. We were sincerely anxious to ascertain the views and obtain the support of the country to the two important measures, the University and Assessment Bills, which we had brought forward; in the latter point we have failed; but while we admit that the decision has been adverse to us, we are not prepared to allow that it depended wholly (sic) upon the popularity or unpopularity of our measures. In Lower Canada, I am of opinion, that the Elections turned mainly on the question of the share of power which the French population conceived they were entitled to possess in the Government.³⁶⁸ La chose est due à l'homogénéité de la population française, qui, par esprit de nationalité a refusé son appui à un ministère où elle ne se croyait pas bien représentée.³⁶⁹ In Upper Canada we lost strength partly in consequence of the dissatisfaction which more generally prevailed against the two measures to which I have referred; partly from the unpopularity of one or two late appointments; and partly from the far better organization of our opponents. Having expressed my opinions on these points, I will conclude with one or two observations on the amendment proposed by the hon. member for the Fourth Riding of York. It appears to me, while admitting that the Speech is to be held to be written with the advice of the Council, that the framer of the amendment

has ingeniously hit upon the only paragraph which might reasonably have been expected to escape his criticism. The passage, stating that the Governor-General had made a tour, having been allowed to pass, it will strike many as a singular and somewhat novel feature in Responsible Government that he is permitted to state, as the result of that tour, not what he saw, but what the hon. mover of the amendment saw fit that he should see. In my opinion it would have been a preferable course to have treated the whole journey as fiction, and to have roundly asserted the principle, that the Governor-General could constitutionally neither travel nor see without the spectacles of the hon. gentleman opposite. The hon. member, in his remarks, observed that it was an omission not to have alluded to the depressed state of commerce--why, then, was not that made the foundation of an amendment? That, it appears to me, would have been a more tenable ground of objection, than denying that the Governor-General saw what passed before his eyes. Again, I expected that some feature of our policy would have been attacked, by which an indication would have been of the future course of those about to succeed us. On this point I may be permitted, perhaps, to put a question--Is the hon. member prepared, in reference to what appeared in his Address to the Electors of the Fourth Riding, to advocate a change in the representation of the Province, giving a superiority in point of numbers to Lower Canada?³⁷⁰

MR. BALDWIN--I made no such statement.³⁷¹ ((Il)) dit qu'il répondrait à ces questions quand il en aurait la responsabilité.³⁷²

MR. INSP. GEN. CAYLEY ((continued:))--I understood that you proposed to arrange the representation by some numerical proportion which would give to Lower Canada, possessing a large population, a larger representation; but I perceive this is a delicate question. I give notice, however, that I will take an early opportunity to press for an answer on this point.--The honorable gentleman concluded by signifying his intention to vote against the amendment.³⁷³

MR. PRICE³⁷⁴--next addressed the House. He said,--I should not, Sir, have spoken in this debate at all, if it had not been for the course which has been taken by the Hon. Inspector General. With regard to the information which he has furnished the House with respect to the Administration of my hon. friends around me during 1842-3, I am satisfied the hon. gentleman would not have taken the views that he has taken of the acts of the late Government, if he had been in public life at the time and had watched the acts of that Government--but he was not a politician at the time. I therefore take it for granted that it is from want of information that he has taken these views--his application to the business of his office putting it out of his power to inform himself of what that Government did during the short period they were in office.³⁷⁵ If however he had paid attention to the circumstances by which the late Administration were surrounded, he must recollect, that³⁷⁶ my hon. friends came into power some time in October, 1842--that the head of the Government, shortly after their advancement to power, was taken dangerously ill, so that he could not attend to the duties of his high office, and that he continued so, till death removed him.³⁷⁷ The Session of 1842 he would also recollect was an extremely short one³⁷⁸. The hon. gentlemen went back

to their constituents, and immediately after, Parliament was prorogued. Coming into power at a moment's notice, they could not be provided with measures matured and prepared for the country; and before many great measures could be passed through the Legislature by the Government, the dispute arose with regard to the question of privilege, whether they were to be consulted in appointments to office or not, on which they, rather than sacrifice their principles, sacrificed their places, and retired from office.³⁷⁹ They had however, brought forward some measures, and such measures, too, as were for the interest of the Country, to some of which the hon. Inspector General had alluded.³⁸⁰ The hon. gentleman will allow me to refresh his recollection upon measures that that Government intended to pass and had brought into the House³⁸¹. It would...be recollected that the late Ministry were in power for only thirteen months, and that they had not even the benefit of a whole session of Parliament³⁸². (Hear, hear.) The dispute arose between themselves and the then Governor of the Province before any of the great measures could be thoroughly completed, for the passing of which they felt themselves bound to their constituents.³⁸³ The hon. Inspector General had stated that the Ministry called into office in 1842 had a³⁸⁴ very large majority, much larger than they have at the present moment; but he has forgotten that they had precisely the same majority then which they have now, for on the motion of confidence in the Administration the majority was just 2 to 1. (Hear, hear.) It was 16 to 23, and the hon. gentlemen will find in the division this night, if we come to a division, that the majority will be about the same--2 to 1. (Hear, hear.) The hon. gentleman alluded to the Municipal Corporation bill and I was surprised at the hon. member making the remarks that he did on the floor of this House³⁸⁵. How could the hon. member say that Bill was theirs?³⁸⁶ He must recollect that, while the hon. member for Hamilton opposed that measure, as giving too much power to the people, we on this side of the House voted by his side, because it would be throwing the whole of the patronage into the hands of the Government, enabling them to send a host of spies throughout the colony; and these being the grounds on which we opposed the measures, does the hon. member mean to say that we are entirely opposed to Municipal Institutions? The hon. member has charged, if I mistake him not, the late Administration, with the appropriation of the £1,500,000 loan. Did I understand the hon. member to say that?³⁸⁷

MR. INSP. GEN. CAYLEY--What I said was, that former Administrations had appropriated that sum, and that the present Administration were charged with it.³⁸⁸

MR. PRICE--You mean to convey that you did not appropriate that money? I mean to convey that my hon. friends did not appropriate it either; and that it was Mr. Draper and Mr. Daly, and the hon. member for Toronto, who voted away that £1,500,000, and that my hon. friends appropriated not one single sixpence. (Hear, hear.)³⁸⁹

MR. INSP. GEN. CAYLEY--The conclusion I drew was this, that whilst others had the advantage of voting away the money, that upon us only fell the difficulty of raising it.³⁹⁰ Such an appropriation had been charged against himself and colleagues, and he did not wish the Administration to lie under a

charge to which they were not obnoxious.³⁹¹

MR. PRICE--I understand the hon. gentleman now merely to say that that £1,500,000 had been appropriated by some other Government; he does not know which, and therefore that their Government had not the money to dispose of. (Hear,)--and therefore that they ought not to be charged with appropriating the money.³⁹² He could say that his side of the house were clear from that charge also, and³⁹³ I should be sorry to charge the hon. gentlemen with anything of which they are not guilty; but I charge that Government that they have been in power very nearly four years, if not four years, and that they have not brought forward one of the great measures³⁹⁴ of general importance³⁹⁵ which the country looked for and which have agitated the country from the period when they went into power to the present moment. Again, how were the elections of 1844 decided?--how were these elections carried? The Ministry of the day went to the country not upon their own merits, but with the name of the Governor General. (Loud cries of hear, hear.) And the question was not, Will you support the Government? but Will you support the Governor General? That was the question on which that election turned.³⁹⁶ Had they gone on their own merits the result of that election would have been similar to the result of the present--the late would have had a majority of two to one.³⁹⁷ The hon. gentlemen may say that public opinion has not now been fairly tested; but at that time they had the Government in their hands, with all its influence; and then what was their majority? Why, the first day of the session of Parliament, it was two or three. (Hear, hear.) They had the power in their hands at the late election also, and yet with all that power, which is immense, they have been beaten two to one--beaten in all the large constituencies; and perhaps, with one or two exceptions, they have carried the small boroughs--the "rotten boroughs". (Laughter.)³⁹⁸ There was one feature connected with the present elections which hon. members³⁹⁹ on this side of the House may congratulate themselves upon⁴⁰⁰ and that was⁴⁰¹ the fact that not one charge of corruption has been brought forward against them⁴⁰² by their opponents, and he wished the same could be said of the other side of the house.⁴⁰³ In all cases where complaints have been made against returning officers for ignorance or corruption, it has been in constituencies where the Ministers expected to be defeated and a Reformer to be returned. (Hear, hear.) The hon. and learned member for Essex has said that he should not wonder if I got up and accused him of inconsistency; he must surely have meant consistency, for he is the most consistent man on the floor of this House; he is always found voting with the Minister of the day. (Cheers and laughter.) With regard to the bills which the late Administration brought before the country, and the bills which the present Administration did not bring forward, and the measures which they have put forward as election cries, it should be remembered that both the School Bill and the Municipal Corporation Bill were improved at the suggestion of⁴⁰⁴ his hon. friend the member for Quebec,⁴⁰⁵ ((and other)) hon. members on this side. Did not my hon. friends pass a bill by which they deprived themselves of an immense amount of patronage--the Purity of Parliament Bill--by which they placed out of their controul, influence over many members of this House? Then

there was the Party Procession Bill, by means of which we were injured at the last elections. That measure was brought in because my hon. friends felt the necessity of something being done to put an end to the outrages which were being committed. (Hear, hear.)⁴⁰⁶ With regard to the bill for the discouragement of secret societies, that bill was brought down to Parliament with the consent of the Governor General, but he believed now that the Governor General gave his consent to this course, as a trick by which to trip up the Ministry of the day.⁴⁰⁷ All these measures were prepared to be carried down two months after their succession to power, but were prevented by such backstairs influence, over which they had no controul⁴⁰⁸. Back-stair influence had more power than the Government,⁴⁰⁹ and shortly after⁴¹⁰, by that influence the late Ministry had been tripped up,⁴¹¹ on a dispute about the appointments to office; and it was rung through the country that my hon. friends wanted to controul the prerogative of the crown in the appointments to office, when they only wanted to be consulted in these appointments, in order that they might resign their offices, in case they objected to them. (Hear, hear.) The present Government went through the country proclaiming that we wanted to controul the Sovereign, and with the avowed profession that they were the true advocates of the great principle of Responsible Government.--(Ironical cheers.) The hon. gentleman has charged the late Ministry with proscription. I am sure, Sir, no one can charge the hon. gentleman opposite with giving offices to their opponents (hear, hear;) for they had given every office they had to dispose of to their own supporters. I do not charge them with doing wrong (hear, hear;) no, I say they did right, and I'd go upon the same principle myself when I could find a man of my own party fit for an office--he should have it; and when I could not find⁴¹² a person belonging to his ((Mr. Price's)) side fit for the duties of whatever office might be vacant, he would then look round him and give⁴¹³ it to the best Tory he could pick up. (Cheers and laughter.) I would call them insincere to their principles if, believing that they were right, and that it was necessary for the prosperity of the country that they should have the confidence of the people they did not place individuals in office, in every part of the country who agreed with them in politics. (Cheers.) The hon. member for Toronto, (Mr. Boulton) who is the leader of the opposite party, out of the Government, stated that the ministry who might come into power ought to turn out every man who differed from them in politics. Why he made that assertion I know not, unless it was that he might afterwards go and charge us with having adopted the sentiment he put forth. (Hear, hear, and laughter.) There are however certain offices which are political, and must change hands when parties change. (Hear, hear.) The Government has not been in power four years, and the Inspector General has given us a bill of fare of what they have done, and has said that the business of the country has been carried on satisfactorily as far as they are concerned, and that therefore they ought to have the confidence of the country. Now, Mr. Speaker, I do conceive that a government should have the confidence of the majority of this House, should have confidence in themselves (loud cries of hear, hear,) in order to carry on the business of the country with satisfaction to themselves and to the country itself; and, I ask the members of that Government themselves whether

from the period that Mr. Draper came into power down to the present moment they have not been in antagonism amongst themselves.⁴¹⁴

Cheers from the Opposition.⁴¹⁵

"No, no," from the Ministerial side.⁴¹⁶

MR. PRICE ((continued:))--Will any hon. member of the last Parliament get up on the floor of this House and tell me that this House did not daily witness the intrigues that were going on in the two sections of the government to undermine each other? (loud cries of hear, hear)⁴¹⁷. Would anyone tell him (Mr. Price) that there was universal harmony in the Government? and if there have been intrigues and antagonism amongst them, must he be told that a Government in such a position is one in which one million five hundred thousand persons are to have confidence? He himself had a hint from a supporter of the present Government that there was no such thing as harmony amongst them⁴¹⁸, that one portion of the government had no confidence in the other portion, and were intriguing to overthrow them. (Cheers.) Well now is that a government fit to carry on the government of a country with 1,500,000 inhabitants. (Hear, hear.) Hon. members of the opposite side have publicly and privately declared that they had no confidence in the government, that they opposed the Opposition, but did not support the Government. (Cheers.)⁴¹⁹

MR. INSP. GEN. CAYLEY--would beg to ask the hon. member if a member of the Government had charged one portion of the Ministry with intriguing against the other?⁴²⁰ Will the hon. gentleman name the member of this Government who made overtures to himself, or endeavoured to intrigue against us?⁴²¹

Hear, hear, from the Ministerial side.⁴²²

MR. PRICE--said a supporter of the Government had told him ((Mr. Price)),⁴²³ ((but)) does the hon. gentleman suppose that if any member of the Government came over to me to intrigue with me against his colleagues that I should so far forget myself as to tell him about it?-- (hear, hear,)--that I would be guilty of such a breach of trust? (Hear, hear.)⁴²⁴

MR. INSP. GEN. CAYLEY--With the acquiescence of all the members of the Government present, I call upon the hon. gentleman to name the traitor who has intrigued against us; feeling it as a matter of justice to the members of this Ministry. (Loud cries of "Hear, hear.")⁴²⁵

MR. PRICE--The hon. member has misunderstood me altogether. I suppose it was my fault for not expressing myself clearly; but what I intended to convey was, not that a member of the Government, but a leading supporter of the Government, had stated to me that if a certain number of persons on this side of the House would go into the Government, they were ready to remove a portion of the Gove't who were in direct hostility to the other portion at the same time sitting in the Council together. (Hear, hear.) Why, the hon. gentlemen themselves will admit it. Was it not notorious that a certain gentleman, not now in the House, then a member of the Government, was in direct antagonism to them? (Hear, hear.) Was

it not equally well known that members on that side of the House, who invariably voted with the Ministers, had no confidence in them, and had stated it privately and publicly, out of doors, and on the floor of this House, and in language which could not be misunderstood, but that they supported the Government in the expectation that my hon. and learned friend near me, who is fast asleep, would come join it.⁴²⁶

This allusion to MR. BALDWIN, who was comfortably napping created much merriment, and roused up the hon. gentleman.⁴²⁷

MR. PRICE(((continued:))--It is not only necessary, Sir, that a government should have confidence in themselves, that they should be united upon the great principles upon which their government is to be conducted, but it is also necessary that public opinion should be with them. The hon. gentlemen know that public opinion has not been with them--at least not, if it is to be gathered from the public Press. (Hear, hear.) They know that, with scarcely one exception, even the Conservative papers⁴²⁸ which had formerly supported them⁴²⁹ had given them up in despair⁴³⁰ ((and)) were, directly or indirectly, against them⁴³¹. If these things did not show a want of confidence, they had surely a sufficient evidence of it in the large majority of hon. members opposed to their views who had been returned to the present parliament.⁴³² If the Ministry had numerical strength, and were weak in talent, they might carry on the government of the country, but then the majority must have confidence in each other.--(Hear, hear.)⁴³³ ((But)) they were and always had been, incapable of concluding the affairs of the nation, and had tacitly admitted it themselves in bringing down a Member of the Upper House to help them.⁴³⁴ What have they done with the bill to settle that vexed question, the King's College Endowment? They have been four years in power; yet in all that time they have taken care never to allude to it in a speech from the throne, excepting upon one occasion.⁴³⁵ Session after Session it had been brought forward⁴³⁶. In the first session of the last Parliament, they brought in a bill late in the session, when they hoped it would drop through, and they should thus escape the castigation they deserved for it.⁴³⁷ He recollected an hon. member--who had descended from the other house for the purpose of taking his seat in this house, in order that he might conduct the business of the country, and who was now a judge--he remembered that hon. gentleman saying⁴³⁸ on the floor of this House that by that bill he would stand or fall; but did he press the bill through? No⁴³⁹. He (Mr. Price) did not really believe the hon. gentleman was in earnest, when he brought it forward: he rather thought⁴⁴⁰ it was brought down a second time without any intention of passing it; it was brought in as a joke; by a mere accident, the Attorney General finding the bill of the previous session in his desk, brought it into the House; but there was no intention of passing it. (Cheers.) Did they agree upon that bill? No; they never agreed upon it⁴⁴¹; and now the Inspector General, on referring to it this session, proposed to divide the amount amongst all denominations.⁴⁴² They never had the slightest idea of what they intended doing; they brought forward no great measure, or they would have been defeated, and had justly ((lost)) their seats which they kept as long as they could⁴⁴³. They should have the confidence of themselves and of their party; they

should be united on these great measures which are essential for the good government of the Province.⁴⁴⁴ The hon. Inspector General had talked of the⁴⁴⁵ 110 bills that have been passed;⁴⁴⁶ but of what use were they?⁴⁴⁷ If, Sir, three-fourths of these bills were off the statute book, it would be a blessing to the country. (Cheers.)⁴⁴⁸ What important bill had they passed? Not one.⁴⁴⁹ Of what importance are the Mining Bills which they have passed? None at all.⁴⁵⁰

COL. PRINCE--called the hon. gentleman to order. Several important Mining Bills had been passed and £20,000⁴⁵¹ had been expended in the working of them, he should like to know how much the hon. member had contributed towards it? (Laughter.)⁴⁵²

MR. PRICE--Several Mining Bills have been passed, but⁴⁵³ they were mere private speculations; and the government deserves no credit for carrying eleven or twelve private bills. (Hear, hear.)⁴⁵⁴ He wished to know what great measures they had passed to entitle them to the confidence of the country⁴⁵⁵. I should like to know about the great measures that they were bound to bring before and carry through the House; we could have defeated them on these measures, but they brought in none of them. (Hear, hear.) They never gave us an opportunity of voting on a question in which some great principle was involved, because they knew that the party which sustained them was composed of those who differed widely upon these measures, so that they could not carry them. (Cheers.) Has the government brought in the bill to amend the Judicature during the last year? Never.⁴⁵⁶ They had talked about a Judicature Bill, another College Bill, a Jury Bill, and another Assessment Bill for the last four years, but it had not made its appearance yet.⁴⁵⁷ These are the bills which would give satisfaction, contentment, and justice to the people. (Cheers.) But, Mr. Speaker, they ought not only to have united themselves upon these great questions, they ought not only to have a united party strong enough to sustain and support itself in carrying their measures to the satisfaction of the country, but they ought to have public opinion. (Hear, hear.) Now, Sir, have they ever had public opinion with them? No. It has been decidedly against them ever since the period when the Government of my hon. friend near me went out; and though they led their friends to believe that at the late election they were going to win a large majority in Western Canada; though they "laid the flattering unction to their souls", yet what is the result? They have been defeated from one end of the country to the other, and public opinion has declared that they have no longer the confidence of the people,⁴⁵⁸ they deceived themselves and the country,⁴⁵⁹ and...therefore they must resign their seats. (Cheers.) They may not themselves understand public opinion⁴⁶⁰. ((For)) what was the Ministry? Of what materials was it composed?⁴⁶¹ There might be some reasons for the Ministry not understanding when public opinion was against them.⁴⁶² There was⁴⁶³ the hon. Inspector General ((who)) had never been engaged in the politics of the country before he took office, and was perfectly unknown but to a few friends. (Hear, hear.)⁴⁶⁴ There was the hon. member for Kingston who smiles, who always smiles,⁴⁶⁵ ((who)) knew nothing of the politics of the country.⁴⁶⁶ ((He)) and the Attorney-General never were public men, and could understand but

little of public feeling; the great talents of the Solicitor-General, too, were perfectly unknown out of his profession.⁴⁶⁷ Atty. Gen. Badgley certainly had had more experience than himself; but, as a body,⁴⁶⁸ how was it possible that they should know anything of public opinion, and the result of this election shows that they knew nothing about it. (Hear, hear.) They knew nothing of public opinion, but they "laid the flattering unction to their souls" that because they were Ministers of this Crown they could carry Upper Canada (laughter;) because Mr. Draper had stated that by using the Governor General's name he could carry Upper Canada at any time he pleased. (Laughter.) Sir, have we not had during the last two or three years melancholy evidence of their inability to conduct the government. (Hear, hear.) Did they understand how to conduct a bill through the House?⁴⁶⁹ The Inspector General, he did not know how to conduct the Tariff Bill through the House, and⁴⁷⁰ during the last session they came blundering down with the Civil List Bill, and my hon. and learned friend near me, who is now wide awake (Laughter,) actually had to take the bill through for them. (Hear, hear.) The leader of the Opposition was obliged to carry through the Ministerial measure. (Hear, hear.) With regard to the manner in which they have managed the patronage of the Crown, whilst they through their friends have circulated from one end of the Province to the other that my hon. friends around me were controuling the just prerogative of the Crown, in order to get Parliamentary support, what have they been doing? They have been holding their seats till a judgeship presented itself and then dropping into private life. (Loud cries of hear, hear.) The Inspector General had obtained his seat by buying up Dr. Dunlop by creating another office of £300 a year. (Hear, hear.)⁴⁷¹ The constitutional lawyer (Mr. Smith) to cover his inefficiency, had been placed upon the Bench of Justices.⁴⁷² The great leader of the Conservatives in this House who had come down for the purpose of building up a party quite separate and distinct from either the Tories or the Liberals, which he had formed in his own imagination, but which he did not tell of what it was to be composed, he remained in this House till a judge departed this life, and then he quietly retired to the vacant seat upon the Bench. (Cheers.) Then there was the hon. member for Peterboro, a staunch (sic) supporter of the Government, not because he loved the Government, but because he disliked the opposition. What have they done with him? Why they put him into a vacant judgeship also, and the people of Peterboro⁴⁷³ to show they appreciated this mark of respect,⁴⁷⁴ have returned a gentleman in direct opposition to the Government and the Judge. (Hear, hear.) Then again, if I am not misinformed, there was another hon. member who had been a supporter of the government when younger, but who becoming doubtful in a later period of his life, and having intimated that in case there was a dissolution he should be found on this side of the House, they have provided for him also.⁴⁷⁵

MR. AT. GEN. SHERWOOD--To whom do you allude?⁴⁷⁶

MR. PRICE--To Mr. George McDonald.⁴⁷⁷

MR. AT. GEN. SHERWOOD--He's got no office. (Much laughter.)⁴⁷⁸

MR. PRICE--I will not then blame them for what they are not guilty of. (Laughter.) The hon. member for Essex,⁴⁷⁹ who was certainly the only consistent member amongst them,⁴⁸⁰ has supported the Administration of the hon. gentlemen opposite as he has supported every other Administration that has been in existence since I have had the honour of a seat in this House (laughter), thinks that you ought to have turned them out upon some question of policy,⁴⁸¹ and not upon a vote of want of confidence,⁴⁸² and ((he, Col. Prince, thinks)) that it was not fair to bring forward such an amendment as my hon. friend has proposed. But, Sir, I must support this amendment, because I have no confidence in the Ministry--because I believe that their measures have been brought forward in insincerity--that they are unable to carry their measures to keep their places--⁴⁸³ because they had not conducted the Government for the interest of the country--⁴⁸⁴ ((because they)) were not fit to be trusted with the destinies of the country⁴⁸⁵--and because I desire to give these gentlemen an opportunity of showing their patriotism, while on this side of the House, by keeping my hon. friends to the principles they have avowed, and in every way promoting the interests of the country, by carrying on a legitimate opposition. I shall support the amendment--in ((the)) first place, because I differ from them in politics--next, because they differ among themselves--next, because they have brought in none of the great measures which were expected from them--next, because they never have been united--and, in the last place, because public opinion has been, from the time they took office to the present moment, as the late election shows, that they are unworthy to occupy the position which they now occupy. (Loud cheers.)⁴⁸⁶

MR. H. BOULTON⁴⁸⁷--esteemed some members of the Administration as private friends, and therefore, felt it necessary to state the public grounds which induced him to refuse to support their government. From the beginning, they had acted contrary to the great principles of Responsible Government; and it was on that ground substantially, that he should vote his want of confidence in them.--As a member of that House, he did not proceed upon the ground that this or that particular measure was good or bad. He expressed his opinion upon the broadest grounds on the whole case since the Administration came into power.⁴⁸⁸ From the beginning to the end, their whole course had been opposed to those of every Government, who acted on constitutional principles.⁴⁸⁹ Look at the first feature in their history.⁴⁹⁰ Did any body ever hear from the Revolution of 1688 to the present time, that any Government in Great Britain had been carried on⁴⁹¹ for months⁴⁹² by an old member of the Ministry which had gone out while the person thought fit to remain⁴⁹³. He held Mr. Daly responsible for this monstrous proceeding; and had that hon. gentleman had to deal with the British House of Commons, he would have been impeached.⁴⁹⁴ He ((also)) looked on the Administration as responsible for the acts of that Minister: through him, every man who had since joined the government was responsible for what took place during that time, which some have called the interregnum. Well, then, let the House consider what were the first acts of that period.⁴⁹⁵ When a more perfect Administration was formed, the first act was one in the direct teeth of the law; it was

an audacious act, a crime,...which⁴⁹⁶ went to direct opposition to an act of Parliament. The late Government went out of power in the month of December, and on the 31st of January, a proclamation went forth, for which in England a Ministry would have been impeached.⁴⁹⁷ He referred to the granting of the Militia Scrip, in Lower Canada⁴⁹⁸. He cared not whether the parties to be benefited by that crime had been treated unjustly or not; if justice were to be done, it should have been by repealing the Act--the Act passed since the Union, which declared that no free grant of public land should be made to military claimants after the 1st of January 1843. It was impossible that an Act could not have been in the minds of the Government at the time; but whether it were or not, their conduct was unjustifiable in proclaiming that the militia should have that which the law declared they should not have. He did not believe the Administration cared about the justice of the case: the deed was done on the eve of an election, and⁴⁹⁹ the object...was not to benefit the French Canadians, but to conciliate their votes, but, said the hon. member⁵⁰⁰, it showed as much ignorance of the French people, as it did audacity⁵⁰¹ in flying in the face of the Act of Parliament;⁵⁰² the Lower Canadians could not be bribed by so paltry an act, and I have great pleasure in thus publicly congratulating them on the indignity they cast upon the Government, in their resistance of that infamous attempt to bribe them.⁵⁰³ It failed of its purpose, but the scrip was issued, and came into the market at a depreciated price. Individuals got £8 or £10 for their claims, a very small sum in comparison to the £100,000 thus filched from the Province. But how could this act have been prevented? He would point that out, in order to show how the system of responsibility, rightly carried out, would have operated. The deed could only have been completed by some member of the government making himself responsible for it. But was not the present Secretary, Secretary then?-- Did he not sign the proclamation which took this property from the public? But then how was he to carry out this responsibility if directed by the Government to sign it? Why, if he were required to do so he ought to have refused; and the consequence must have been, either that he would be removed from the office, or that the act would not be done. Had he declined, as there was no other person then in the Government, it could not have been done. For all this, then the Administration was answerable; for an incoming Administration must be held responsible for the acts of its predecessors, except, perhaps, in a case like the present, when those predecessors would be removed by the voice of the people. When a Ministry took office at the demand of the Sovereign, they were clearly responsible for the advice upon which he accepted the resignation of their predecessors. Now, why were the late Ministry removed? For carrying out the principle, that no measure, large or small, should be passed without their advice being asked. The Ministry then, were responsible for the head of the Government having accepted that resignation⁵⁰⁴. On the same principle were all the Ministry answerable for the language put in Lord Metcalfe's answers to the Address⁵⁰⁵ which changed in character from day to day, as public opinion seemed to change ⁵⁰⁶ ((and)) which improved as they went on, until, at length, they admitted almost Responsible Government⁵⁰⁷. He held the Administration responsible too, for what took place

at the elections in 1844. During that year, the contest in his county was not between himself and the Administration, but between himself and the head of the Government by name⁵⁰⁸; and the Administration were responsible for it.⁵⁰⁹ It was put to him as a test question, whether he would support Lord Metcalfe--⁵¹⁰ the most unconstitutional use was made of the name of Lord Metcalfe. Lord Metcalfe! Lord Metcalfe! was the rallying cry at the elections; and some of the more ignorant class of voters⁵¹¹, he believed, even⁵¹² came to the poll to vote for Lord Metcalfe!⁵¹³ He did not believe that the Constitution had been thus violated since 1688. The Administration was responsible for the interregnum. What would be said in England if--when no one was expected from abroad, as was once the case with Peel, when everyone was on the spot, and the Parliament in Session, more than two months were suffered to elapse without anyone joining the Administration at all. There were but two Executive Councillors, without a party, and the person who advised the Governor General did so as Queen's Council pro hac vice, for so many guineas⁵¹⁴ per fee;⁵¹⁵ to whom no responsibility except professional responsibility could be attached. There ought to be an Attorney General at all times--there should never be an interregnum even of ten days; and so sensible was he of that truth, that he moved the House to address the Governor General on the subject, though he was taunted by members opposite as a firebrand (sic), for his pains. In consequence of the want of that officer, bills were passed of which no one assumed the responsibility. He was sorry that personal friends of his own were mixed up with company who performed these acts; but he nevertheless felt gratified at the thought, that the country was at last come to⁵¹⁶ the toll-bar⁵¹⁷, the first stage of the true carrying out of Responsible Government. In his judgment no person should ever have consented to join any of the present Administration. They should have insisted on a clean sweep, and then some one would have been--as some one would now be, called on to form a Government. When a few fresh persons joined the others, in cases like these, all became alike contaminated. He objected amongst other things, against the⁵¹⁸ monstrous policy of the Government, in the⁵¹⁹ creation of offices for improper purposes, and the appointment of improper persons⁵²⁰ and the granting of gratuities to constituencies, for the purpose of sustaining themselves.⁵²¹ When he had a seat in Parliament before, he had introduced a measure to prevent any Ministry from creating an office with a salary, until Parliament should be first consulted. No such measure was adopted, and the consequence was that the Government had made and filled up offices without restraint. He named one of these officers with regret, because it had been justified by one of his personal friends on the other side--perhaps because he became a member in the place of that person. He asked whether Dr. Dunlop would ever have been made Inspector of Canals in Lower Canada unless for the purpose of creating a vacancy for his hon. friend? If he would have been, all was perfectly right and just; and he (Mr. B.) was quite aware of the difficulty which might occur of finding seats in a legitimate way. The proper course, however, was to wait for a vacancy; not to make an office for a particular occasion.⁵²² He should have respected...((the Ministry)) if they had adhered to any set of fixed principles, but they had no principles at all;⁵²³ had they done what they

themselves thought just and right, though they had held the seals of office, without the power, he would have been better satisfied. But when he and the public were convinced that the acts of the heads of the Government were often controlled by the extreme joints of the tail--⁵²⁴ ((when)) a great many of the acts relating to departments, were not introduced by the Heads of the departments, but by extreme joints of the tail, who might at any time destroy the Ministry⁵²⁵, ((when)) this joint and that joint asked for this and that, and they were compelled to grant this and that, to prevent their tails dropping off⁵²⁶--when he saw that, he felt bound to say that it was not a system he could countenance. He complained that Government had been carried on with a majority so small, that the most insignificant could constrain the administration to do things which were not convenient. The hon. member who seconded the address, had boasted of his consistency, and thought himself bound to show his gratitude by voting with the Ministry. He denied that; and thought the sentiment indicated one of those sore places, on which he would not put his finger. It indicated a system of bribes, given to members, not personally, but through their constituents, to induce them to support the government of the day. He said this, because nothing was ever given to constituencies whose members were in opposition. He would give as an example of their gifts, the case of Peterboro, £1,000 or £2,000 were given there to build a bridge connecting a road which fell from here to nowhere, and did no good, except to connect the two sides of the town, and especially the town lots of the late member. To find a contrast, it was only necessary to look at the Harbour of Port Dover, of which one of the piers was still uncovered, though £500 could complete it, and was exposed to the danger of being carried away by the surge and ice of winter. Yet the work had cost the Province between £8,000 and £9,000. He had already said that offices were given to unfit persons⁵²⁷. The Roblin affair...((was)) condemned by Mr. Boulton; for...he believed no precedent could be found, and he was of opinion that in England it would be regarded as a breach of privilege; it was the violent breaking up of a solemn tribunal; every one in Upper Canada condemned it. In reference to the⁵²⁸ removal of the late Superintendent of Education⁵²⁹, Mr. Murray⁵³⁰, and his appointment as professor of mathematics at King's College⁵³¹, he said he was prepared to prove that many young men were obliged to renounce the study of mathematics, simply, because they knew more than their teacher.⁵³² With regard to the University itself, too, he had great fault to find with the Government. They proposed to bring in an University Bill; but how did he know that it would not be the same as the Bill of last session--or how, if it were, could he place any confidence in those who would destroy an institution destined to be one day a blessing to the Province? Why, too, were certain denominations of Christians supported in preference to others? Just because they happened to be the four largest denominations, had the largest number of votes, and were, therefore, to be conciliated to support the Government.⁵³³ He was opposed to breaking up the University: if left in its integrity, it would become a noble institution in which as good an education could be obtained as in Europe; but applying the endowment as proposed in the late bill, would be frittering it away.⁵³⁴ Ministers would have frittered away the University funds, so

as to make it useless for the purpose of education, and would have given the proceeds to sects who would have made them a curse. But where were those who did not belong to those denominations to send their children?--were they to send them to the College of the other sects, or to keep them from going to any?--⁵³⁵ Four Universities could not be established; denude the establishment of all Sectarianism, and then it would be a blessing to the land.⁵³⁶ The plan had failed, and instead of the Ministry getting one vote by it in the Western Districts, they had lost hundreds. He complained too that the conduct of the Government⁵³⁷ was one for politically demoralizing the people;⁵³⁸ because they had held out to the people the hope that if they supported the Administration at the hustings, they would get in return some advantages, personal or political,--individually or collectively.⁵³⁹ Their attempt to carry on the country with so small a majority, had done more to injure the political principles of the Province, than all the unconstitutional conduct of Lord Metcalfe.⁵⁴⁰ Now it was not in that way that Government should try to gain support; but by good conduct, valuable measures and careful attention to public affairs. He felt strongly on this point because it was thought by many persons of high consideration that it was impossible without corruption to carry on Responsible Government--that in fact the very nature of it was corrupt. He denied it; if a Minister would come down to the House and show that it was acting with sagacity and honesty he would succeed in acquiring confidence though he refused all these petty offices to this, that or the other member.⁵⁴¹ In this determination the country would sustain him. Such was not the conduct of the present Ministry⁵⁴². It was said by the seconder of the motion before the House that the whole system of Responsible Government was a demoralizing democracy. That was not true; but it would be so, if it were carried on in the mode to which he (Mr. B.) had just alluded.⁵⁴³ ((The Ministry)) had, for the sake of office, suffered themselves to be coerced,⁵⁴⁴ when the hon. member for Hamilton had his difficulty with the Government,⁵⁴⁵ in the case of the Adjutant-Generalships, when a paper was presented to them, signed by⁵⁴⁶ a large number of the members of that House, who had quietly intimated that⁵⁴⁷ if that office were not given to a relative of one of the members⁵⁴⁸, they would no longer support the Ministry. He knew not what he might have done had he been placed in such a position as the members of the Administration of that day; but he thought that the leader of that Government would have done credit to himself had he⁵⁴⁹ come down to the House, read aloud the list, and denounced the signers to the country.⁵⁵⁰ Appointments to office must either be made on the responsibility of the Administration, or the Government would sink to a democracy, and that of the very worst description.⁵⁵¹ He had no objection to the practice of individual members recommending a candidate to the office, such was done every day,⁵⁵² members of the Legislature did, and might properly, ask favours from the Administration they supported, but that was a very different thing from signing a document in numbers, which made that instrument amount to a threat.⁵⁵³ It was another thing for a body of the Lower House to go in mass to the Executive, that would be making the Representative branch Administrative instead of Legislative. The hon. and learned member con-

cluded by saying, that although he regarded Responsible Government as party Government, he deprecated the idea that it was solely for a party. He agreed with Mr. Price, that appointments should, in all instances, be conferred upon friends if they were fit for the places, but not else.⁵⁵⁴ He would condemn the Ministry who on that account would give it to any man who was unfit.⁵⁵⁵ He would rather have a good man of another party, than a bad man of his own.⁵⁵⁶ He deprecated an onslaught upon all offices from the President down to the Constable, but it was a difficult thing to remove incompetent persons, or those who, from their close connection with Ministers, it would be inconvenient to continue.⁵⁵⁷ The system which had been spoken of by the hon. member for Gaspé, that proscribing subordinates for their political opinions was detestable, and he would support no administration who did it. I conclude, said the hon. member, by giving my sincere and hearty concurrence to the amendment.⁵⁵⁸

MR. RICHARDS--supported the amendment.⁵⁵⁹ ((He)) remarked, that there were two extraordinary appointments of Surrogate Judges--for the Bathurst and Eastern Districts. With regard to the first, he understood that the gentleman appointed had been convicted of writing and publishing a libel on a Judge in the District, and that at the same time the Clerk of the Peace had been convicted with publishing--only--the same libel. The Clerk of the Peace was discharged for his share in that transaction; and he (Mr. R.) now wished to know how the writing and publishing of a libel could be a good recommendation to a Judgeship, while the publication, only, was thought sufficient ground for the discharge of the Clerk of the Peace. The same gentleman, he understood, was a defeated candidate, as was likewise the Judge of the Eastern Districts, for Parliamentary honours.⁵⁶⁰

MR. MERRITT--begged to make a few remarks.⁵⁶¹ ((He)) spoke in favour of the amendment.⁵⁶² He was surprised that no hon. member on either side of the House had referred to the true state of the country. They had heard a great deal about the causes of want of confidence in the Administration, but no person had remarked on what was the true situation of the country; and, as a member of an agricultural county, he felt it his duty to call to the attention of the House what that situation really was. He perfectly concurred with that part of the speech which alluded to the contentment of the country. In all parts of Canada contentment prevailed, in this way. The people of Canada felt that the principle of managing their own affairs was fully conceded to them: they felt that if any Administration was formed which neglected to carry out the measures for the good of the country, they could turn them out; and this produced a feeling of contentment. But if it was meant by the Address, that they were contented with the present Ministers,⁵⁶³ the result of the elections had conclusively proved that the contrary was the fact.⁵⁶⁴ With regard to the country being prosperous, he could not concur. The country was not prosperous when His Excellency made his tour; a change had already commenced--⁵⁶⁵ and things had continued to grow worse, until the difference between prices in Canada and on the other side was so striking that when the Provincial Association met in October, complaints were heard on all sides. Prices had been

raised by the famine in Ireland; but that over, produce bore a less price in Canada than in the United States; every member from an agricultural country must bear witness to that fact. The report of the Board of Trade of Toronto alluded to the same thing;⁵⁶⁶ there was one general complaint from all parts of the country. And what was the position of trade? Why, the trade was equally depressed⁵⁶⁷ with agriculture⁵⁶⁸. (Cries of question.)⁵⁶⁹ The currency was withdrawn, and no man could get the money necessary to carry on the ordinary concerns of the country. The banks had the power of withdrawing the circulation, and it had been withdrawn.--⁵⁷⁰ He thought that enquiry should be immediately instituted into the causes of this dreaded depression⁵⁷¹; for if the present depression continued through the year, the prospects of the country were gloomy indeed.⁵⁷² He would pass to the closing portion of His Excellency's Speech--"Canada possesses the elements of prosperity." It was true that all portions of Canada possessed the elements of prosperity; but these elements must be brought out--they must be brought into action. Hon. gentlemen might think that the mind of the country was taken up with this University, or such like question, but it was not so. He would bring under the notice of the House⁵⁷³ one or two questions, the neglect of which had been among the most prominent reasons for the withdrawal of the confidence of the country in the present Ministers.⁵⁷⁴ The cry of "Question, question," resounded throughout the House.⁵⁷⁵ He alluded for one thing, to common schools and the fund that should be appropriated to support them.⁵⁷⁶ In the Act passed in 1841, there was a direct pledge that the waste lands of the country should be appropriated for creating a fund for Common Schools. This had been neglected. Appropriations had been made for King's College and for Grammar Schools, for the higher branches of education; but the most important of all, the Common Schools,⁵⁷⁷ which were of more consequence than all the others put together⁵⁷⁸ had been entirely neglected; and this, in the part of the country which he represented, was looked upon as the most important of all questions;⁵⁷⁹ ((it)) was of considerable more importance than Responsible Government, or any measures which hon. gentlemen had been discussing, and no Administration could stand who did not pay particular attention to that subject.⁵⁸⁰ Hon. gentlemen should understand that £50,000, but no lands, had been appropriated for this purpose, and the effect was, that the people were taxed on the articles they consumed, and taxed again to the same amount, so that they had to pay twice, instead of receiving a bounty.⁵⁸¹ This was one of the great reasons why confidence had been withdrawn from the present Ministry.⁵⁸² He would not give them support.⁵⁸³ He warned the honble. gentlemen who were likely to form the incoming Ministry, that unless these things were attended to, the confidence of the country would be speedily withdrawn from them.⁵⁸⁴

MR. MCCONNELL (Stanstead)--apologized to the House, and would detain them but a few minutes⁵⁸⁵, ((as he)) felt bound to make a few remarks. He could not say, like the hon. mover, that he was an Englishman, and, therefore, never deserted his friends; but was proud to say he was a Canadian, and that there were Canadians, who were not disposed, like rats, to leave a falling house.--⁵⁸⁶ It appeared to him from the arguments used by the hon. gentlemen opposite during this debate, that they had been endeavouring to make out the people of Upper Canada to be a very corrupt people. He was not much acquainted with Upper Canadians, except from meeting them in that

House; but he thought that their faults had been very much exaggerated. (Hear, hear.)⁵⁸⁷ But as far as regarded Lower Canada, he knew the people were misrepresented.⁵⁸⁸ Hon. gentlemen opposite had made a great many charges against the Ministers, but, he thought, quite as many could be brought against them. They had endeavoured to make out that Returning Officers were very corrupt, a very bad set of men ... Returning Officers had been very much abused he thought unjustly.⁵⁸⁹ On a previous evening the hon. member for Norfolk had spoken of the election committees (sic) of the last Parliament as being partial ... unjust⁵⁹⁰ ((and)) corrupt. (Hear, hear.)⁵⁹¹ And if he knew himself--which was a study of any man especially one acting on such a duty, as an election committee--he had been conscientious, as he believed his colleagues had been also.⁵⁹² He voted for those Returning Officers, and he did what he thought right. He heard a great deal about British Practice; it was no matter to him what name a practice had, if that practice was right.⁵⁹³ He knew not the grounds upon which the hon. gentleman had formed his conclusion unless he made it a rule--not always a correct one--to judge others by himself. He thought, however, he should not be wrong in judging the hon. gentleman, as the hon. gentleman had judged the committees. He understood the hon. gentleman had once been a judge--of an outlandish place it was true--⁵⁹⁴ some county north of Canada--Newfoundland he believed they called it;--⁵⁹⁵ but still a judge,⁵⁹⁶ ((and)) if he formed his judgments in Newfoundland upon this principle, the people of that country must have had reason to regret that he ever found their land. (Laughter.)⁵⁹⁷ And estimating the hon. member in the way that he had estimated the election committees, he should say the people of Newfoundland must have been heartily glad when they got rid of him.--(Great laughter.) Another hon. gentleman⁵⁹⁸ had cast reflections on a judge, and he thought the charges must have been exaggerated. The same hon. gentleman⁵⁹⁹ on a previous evening⁶⁰⁰ had cast reflections on the people of a portion of the country he knew well, he meant Shefford.⁶⁰¹ The hon. member for Shefford said he had learnt, that he was to be knocked down before he got to the polls.⁶⁰²

MR. DRUMMOND--never intended to impute that to the people of Shefford, than whom a more honest quiet, people never lived⁶⁰³ ((and)), as his constituents, he felt the highest esteem⁶⁰⁴.

MR. HOLMES--was the person who had conveyed the information to the hon. member. He heard from a reliable source that the hon. member was to be attacked by an organized band from Montreal.⁶⁰⁵

MR. MCCONNELL--was very happy to receive the explanation,⁶⁰⁶ ((that)) there was no imputation of the Townships, though sorry to hear that there was another act of violence to be set down to the account of Montreal (laughter) which had enough already, God knew, to answer for.⁶⁰⁷ The hon. member for Shefford⁶⁰⁸ however,⁶⁰⁹ had complained that at the election for that county, the returning officer had put back his watch an hour; and the deputy returning officer's watch said nine when it ought to have said ten. He really could see no harm in that; for if the watch said nine when it was ten, of course it would say five when it was six; so that after all he did not lose much by it. (Hear, hear, and laughter.)

They had heard a great many accusations against the Ministry during the last two days; but there was nothing new in them.⁶¹⁰ This was not the first time he had heard those accusations.⁶¹¹ During the last Parliament, there had been charges equally groundless.⁶¹² When he first came here about three years ago, he listened to all these charges brought against those with whom he usually voted, and being a sort of green-horn,⁶¹³ fresh from the country,...these accusations had frightened him a little, and almost made him believe that his party supported a corrupt and wicked Ministry⁶¹⁴. As he called himself rather an honest sort of man, he was sorely afraid he had got into bad company; for the gentleman on the other side, called those on his side anything but what gentlemen should be called. (Laughter.) But soon as hon. member of the Administration asked to have these charges put into a definite shape, that he might defend himself; and the hon. member for Montreal (Mr. LaFontaine), stated that the Attorney General had told another member he could do nothing for his country (sic) unless he had his vote; this he called the blackest bribery and corruption. The hon. gentleman alluded to was a very honest, worthy man, the member for Kamouraska; and when the Attorney General rose and asked whether he had taken the conversation for an attempt at bribery, he very frankly said--"No, I took it for a joke". (Loud laughter.) The next session there was the same charge, depending upon a certain correspondence, which, having tormented the House throughout an entire session, at last, ended in smoke⁶¹⁵ ((and)) so on with others, and he thought the present charges against them were rather smoky too.⁶¹⁶ It had been asked what the Administration had done? He admitted they had not done all they would have done had they been stronger; for though the hon. gentleman on the other side declared they would offer no factious opposition they did not always, he thought, keep their word. However, what they could do, they had done.⁶¹⁷ The hon. member for the Fourth Riding of York had said that the great majority returned at the last election showed the Ministry to be deficient in the confidence of the people;--perhaps, to a certain extent, it was so:--but it must be remembered the change was not so great as that which took place at the preceding election.⁶¹⁸ The hon. member...had talked about his large majority--but majorities sometimes change.⁶¹⁹ He would conclude by telling the house a story, which it would, perhaps find appropriate to the circumstances.⁶²⁰ In the part of the country where I was born, said the hon. gentleman,⁶²¹ when he was a boy, in the Township, the country was wild,⁶²² there were no bridges, so we took logs and fastened them together to make a sort of ferry boat. Well, one day, the end of these logs were out of the water, and⁶²³ an old gentleman applied to ((him, Mr. McConnell)) to be ferried over a stream, and having got into a canoe, sat down in one end of it.⁶²⁴ I was young and careless, and in pushing off I tumbled in to the log boat, and⁶²⁵ upset the canoe; but being young and active, presently scrambled out on the bank, while the old gentleman,⁶²⁶ who was a cripple on crutches, went into the water. As I lay in the boat my thoughts might be something like the thoughts of the hon. gentleman about the Ministry. The poor old man was very weak and was propped up on crutches, so thinks I, I shall see no more of him, or to use a Yankee expression, "he's a gone coon..."⁶²⁷ but running down the bank to try to render some assis-

tance, ((he, Mr. McConnell)) saw him striking out most magnificently. He said, "I thought you were gone". "Oh, no, boy; unless that is what you call gone"; and with another stroke, he came ashore. Now perhaps the Ministry, by bad management, might be--628

Cries of "gone coon", and repeated laughter.⁶²⁹

MR. MCCONNELL((continued:))--Not exactly--might be supposed to be "gone coon", but might be found vigourously striking out, when it was least expected.⁶³⁰

A VOICE--They are "gone coons."⁶³¹

MR. MCCONNELL--Yes, and if hon. gentlemen opposite don't look out very shortly, they'll be "gone coons" too. (Laughter.)⁶³² The present Ministry were out for the present, and their opponents would come in, and no great harm would be done; but they would again come into power.⁶³³ But that only showed the strength of the constitution, which was the same as that of England, or he would as dissatisfied as the hon. members opposite.--⁶³⁴ The hon. gentleman concluded by saying that he would oppose the amendment, but⁶³⁵ in the mean time he assured⁶³⁶ the hon. member for the North Riding,⁶³⁷ ((and)) the Ministry that was to be, that whatever measures they introduced for the real good of the country, he would support them in. (Hear, hear.)⁶³⁸

MR. FLINT⁶³⁹--told...((the House)) that he was unaccustomed to public speaking⁶⁴⁰. ((He)) said, "he had been elected to serve as a honorable member of this honorable and respectable body"⁶⁴¹. ((He said)) that it was the first time he had had the honor of addressing such a 'respectable' body--and that he represented a 'noble' constituency.⁶⁴² He said that he felt it his duty to explain his reasons for giving the vote he intended to give. In being elected to a seat in this House, he had gone before the citizens of the county which he had the honor to represent, free and untrammelled by party feelings, party views, or party interests; he was not pledged to support any party, but simply, if elected, to endeavour faithfully to discharge his duties and carry out the principles of the glorious constitution under which it was his happiness to live, by giving to all parties equal rights and privileges. (Hear, hear.)⁶⁴³ Mr. Speaker, the hon. member who has just sat down, has told you that he is a greenhorn.⁶⁴⁴ If that hon. gentleman, who had sat in the House some time, was a greenhorn, then surely he (Mr. F.) might lay claim to⁶⁴⁵ "the PRIVILEGE OF BEING MUCH GREENER THAN HE IS."⁶⁴⁶ The hon. gentleman said he was a Canadian. So was he. He was proud of being a Canadian--a Canadian by birth; but he also claimed for himself the honour of being a British subject--(hear, hear)--an honour which he would give to every Canadian, either by birth or adoption. The hon. gentleman said that he would not desert his party; he (Mr. F.) honoured him for his principles.⁶⁴⁷ He ((also)) honored the hon. gentleman's sentiments when he said that he would be like the rats; (laughter and cries of "No, no")⁶⁴⁸ and not run away from a falling house; he never saw a rat run away from a house so long as there was the least bit of bread and cheese in it (much laughter); but as soon as all the bread and cheese was gone,

the rats would go away as quick as anybody else. (Laughter.)⁶⁴⁹

MR. MCCONNELL--had said that he would not, like the rats, desert his former friends.⁶⁵⁰

MR. FLINT--The hon. member for Essex had stated that he had confidence in the Ministry for their acts. Now, what were these acts? There was an act for extending the jail limits; he thought it a pity the hon. member should require such an extension. (Hear, hear.) The hon. member had also said that the people of Canada were indebted to the present Ministry for the payment of the rebellion expenses. He thanked the hon. gentlemen for that act, for he (Mr. F.) had been a sufferer by the rebellion--having furnished the militia with provisions and had to wait till that act was passed to get paid for the articles he had furnished, though he must say that the rebellion was caused by the conduct of the gentlemen opposite, by the attempt of the minority to rule the majority. (Hear, hear.) He stood not upon the floor of that House to advocate the character or conduct of any individual engaged in the rebellion: he was prepared to do as much to put down rebellion in the country as any individual who differed from him in political principles. When he found his country in danger, he should be ready to put his shoulder to the wheel to assist in defending her.⁶⁵¹ But in doing so, he abandoned none of his political principles; nor did he conceive he was bound to do so, because of his ardent attachment to British Government. The honorable member had spoken of the weakness of the present Ministry. He did not quarrel with them for their weakness, nor did he doubt their honesty⁶⁵² justice, or fairness⁶⁵³; but he believed they had not the confidence of the people, and could not work the Government; if he did he would be the last man to say a word against them.⁶⁵⁴ They were not the men who had been true to the principles of Responsible Government, and therefore he came forward to oppose them. (Cheers.) He was fully convinced by the acts which he had seen committed by those hon. gentlemen since he had held a seat in the House, that they were not fit to carry on the principles of Responsible Government. He alluded to the part which those hon. gentlemen had taken in defending those Returning Officers⁶⁵⁵ so corrupt as to have⁶⁵⁶ made unjust returns for the purpose of keeping out of their seats individuals elected by large majorities of the constituents they represented. (Cheers.)--For no other reason, even if he had come down prepared to vote for the present Ministry, he should have been compelled to vote against them as an honest and independent man. But this was not the only reason; their insincerity in bringing up the King's College bill last session⁶⁵⁷ as a great Ministerial topic⁶⁵⁸ was another cause of complaint against them;⁶⁵⁹ when he looked at the different addresses of individual members of the Ministry, he found they did not agree⁶⁶⁰ among themselves on the question, and therefore they could not be prepared to bring forward a good measure in the new Parliament.⁶⁶¹ Yet their scheme was so plausible with some, that in his county, the members of the Church to which he belonged almost to a man voted against him. The hon. Inspector General had said that the whiskey duty had injured them--that was a remarkable fact, if true; for who ever heard before that whiskey had prevented the return of gentle-

men on the Tory side of the House?⁶⁶² (Loud cheers and laughter.) If they had been like him for 20 years the advocate of total abstinence, he should have sympathized with them; but when the hon. gentleman told him that a duty of £1 per gallon on whiskey had influenced their elections in Upper Canada, he could not be so great a fool as to believe it. (Hear, hear.) But while the hon. gentleman had said so much about the whiskey having injured them, he had stated that the late elections were carried by the far better organization of the Opposition. Here is a plain contradiction. (Hear, hear.) As far as regarded the County of Hastings, that was not the case⁶⁶³. Why, in Hastings the late hon. member was so sure of his election that he defied the power of man to displace him. Yet the small organization of two⁶⁶⁴ or three⁶⁶⁵ days, secured his (Mr. Flint's) election, not altogether by the reform interest, but with aid of a most respectable minority of Conservatives--of men willing to leave party measures⁶⁶⁶ for the "good of their country".⁶⁶⁷ The hon. gentleman had also said that the sum of £4,500, given to an hon. member of that House, was also made a handle of against the Ministry. It was, and very properly so. He would not accuse the Ministers; but he accused some of their friends of having brought up this question, and making the whole country ring with the cry of French domination. It was one thing for hon. gentlemen to treat Canadians with respect while here in Lower Canada, and another to treat them with contumely in Canada West; it was one thing to try to coalesce with them here, and persuade them to assist to carry on a Tory Government; it was another thing to keep them from uniting with the Reformers of Upper Canada to carry out the principles of Responsible Government.⁶⁶⁸ For himself, he had travelled much among French Canadians, and never received anything from them but polite attention; nor would he demand anything for himself that he would not give to them. The cry about the £4,500, then, had recoiled on the heads of those who had raised the clamour about French domination. The mover of the Address had also praised the Ministry on account of the School Bill.--Now that bill required the appointment of trustees, and also involved the liability to a fine of ten pounds on those who refused to accept office. But while the trustee had this task imposed upon him, there was no provision to secure him against loss in case he could not get a sufficient number of scholars. He could say for himself, that it would have been better for him to pay £10 to escape office, than the £15 or £20 that it would cost him, in addition to his services. Yet this was one of those acts of justice and moderation for which the Ministry was praised.⁶⁶⁹ The hon. member for the Fourth Riding of York had stated⁶⁷⁰ in a previous evening,⁶⁷¹ that the Ministry had gone to the elections in 1844 with the name of the Governor General and British connexion; whilst, on the other hand, they had gone down with the name of the opposition and separation⁶⁷² from the Mother Country.⁶⁷³ The election of 1844 was conducted upon very different principles from those upon which the late election was conducted, both as regarded Upper and Lower Canada, thanks to their noble Governor General, who had not allowed his name to be used at the election in either Province; and his name had not been used as a bugbear to frighten those individuals who were afraid to be called disloyal--who would always be

true to their principles, unless they feared for the British Constitution, and that they would be separated from the Mother Country and handed over to the United States, though happily that delusion was now past. He thought that the day was forever gone by when a Governor General would allow his name to be placed in the hands of any Ministry to influence the elections in Upper Canada. He hoped he should be excused for having troubled the House, and was prepared to vote for the want of confidence in the Ministry. (Cheers.)⁶⁷⁴

The cry of "Question, question," resounded throughout the House.⁶⁷⁵

(17)

The Question having been put on the Motion of amendment, the House divided; and the names being called for, they were taken down; as follows:--

YEAS.

Messieurs Armstrong, Aylwin, Baldwin, Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cauchon, Chabot, Chauveau, Davignon, Drummond, Duchesnay, Dumas, DeWitt, Egan, Flint, Fortier, Fournier, Fourquin, Gugy, Guillet, Hall, Holmes, Hincks, Jobin, Johnson, LaFontaine, Laterrière, Laurin, Lemieux, Leslie, Lyon, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Mongenais, Morrison, Nelson, Notman, Papineau, Price, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Watts, and Wetenhall.--(54.)

NAYS.

Messieurs Attorney General Badgley, Brooks, Cayley, Christie, Crysler, Daly, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Attorney General Sherwood, Smith of FRONTENAC, Stevenson, Webster, and Wilson.--(20.)

So it was resolved in the Affirmative.

The Question being then put on the main Motion, as amended, it was agreed to by the House.

Resolution
for Address.

Resolved, That an humble Address be presented to
His Excellency the Governor General, to thank
His Excellency for his gracious Speech from the

Throne:

(18)

To express our gratification that His Excellency has called us together at so early a period after the dissolution of the last Parliament: And to assure His Excellency:--

That we rejoice that His Excellency derived so much satisfaction from the tour which, during the recess, he was enabled to make through the Province:

That we learn with the greatest satisfaction that steps have been taken for placing the Post Office in British North America on an improved footing, and that we shall give our most anxious consideration and attention to any measure which may be proposed to effect this important object:

That we receive with much pleasure the information that a good and practicable line of Railway between Quebec and Halifax, has been discover-

ed by the Officers to whom the exploration was confided:

That we unite with His Excellency in the expression of deepest concern for the distress and suffering attendant upon last year's immigration; and we are gratified to know that Her Majesty's Government have bestowed on the subject the most anxious consideration, with a view to the introduction of such provisions into the Imperial Passenger Act as may afford a security against the recurrence of similar disasters. And that we shall be happy to co-operate with Her Majesty's Government in their precautions, by the passage of a Bill, which we hope shall have the effect of discouraging the introduction of diseased and helpless persons into the Province, without checking the tide of healthy immigration which so powerfully contributes to its advancement:

That we shall be happy to receive the several communications, on these and other important matters, which have been addressed to His Excellency by Her Majesty's Secretary of State for the Colonies:

That we shall give our most attentive consideration to any measure that may be proposed for embodying the provisions generally applicable to Railroad undertakings--for amending the constitution of the University of King's College,--for adopting a more equitable mode of Assessment in Upper Canada, and for the improvement of the system of Judicature in both sections of the Province:

That the Accounts of the past year, and Estimates of the present year, shall receive our best consideration, and that His Excellency may fully rely on our readiness to grant the Supplies necessary for the Public Service.

That we place every confidence in His Excellency's disposition to co-operate with us in all measures calculated to promote the public welfare:

That with the possession in singular abundance of the elements of prosperity and social happiness,--resulting from her great natural capabilities: her enterprising, intelligent, and rapidly increasing population; from Institutions which in their main characteristics are so well fitted to reconcile liberty with order; and from the blessings of peace secured to her, under Providence, by the patriotism of her sons, and her connexion with a State which is both just and powerful,--Canada requires only that these advantages should be turned to account by an equitable and constitutional Government, and by wise and practical legislation, to secure those blessings permanently to her people:

That we feel deeply the responsibility devolving upon Parliament in the endeavour to accomplish these important objects; and we cordially join with His Excellency in the prayer that we may acquit ourselves of that responsibility with fidelity and success:

That we feel it, however, to be our humble duty to submit to His Excellency, that it is essential to the satisfactory result of our deliberations on the important subjects to which His Excellency has been graciously pleased to direct our attention, and on other matters of public concern, that Her Majesty's Provincial Administration should possess the confidence of this House and of the Country,--and respectfully to represent to His Excellency that that confidence is not reposed in the present Advisers of His Excellency.

MR. BALDWIN--then moved, that Messrs. Baldwin, LaFontaine, Price, Chauveau, and Boutillier, be a Committee to draw up the Address to His Excellency the Governor General, formed on the resolutions⁶⁷⁶.

(18)

Committee to
draw up an
Address.

Resolved, That the said Resolution be referred to
a Special Committee of five Members, to prepare
and report the draught of an Address in answer
to the Speech of His Excellency the Governor
General, to both Houses of the Legislature at the opening of the present
Session of the Provincial Parliament, in conformity to the said Resolu-
tion.

Ordered, That the Honorable Mr. LaFontaine, the Honorable Mr. Baldwin,
Mr. Price, Mr. Boutillier, and Mr. Chauveau, do compose the said
Committee.

Then, on motion of the Honorable Mr. Attorney General Sherwood, sec-
onded by the Honorable Mr. Attorney General Badgley.

The House adjourned till Monday next.⁶⁷⁷

APPENDIX: 3 MARCH 1848.

((QUESTION AND ANSWER RE: CUSTOMS ACT OF LAST SESSION.))⁶⁷⁸

MR. MORRISON--asked the Administration if the Provincial Government had been notified by the Home Government whether the Royal assent had been given to the Customs Bill of last Session; if it had been given, why the Bill had not gone into operation;⁶⁷⁹ and, if not assented to, whether they were in possession of the reasons why the Imperial Government had refused such assent.⁶⁸⁰

MR. AT. GEN. SHERWOOD--in reply said, that as far as they had been apprised the Act had not been assented to, nor had they been informed of any reasons why it was delayed, though they had represented to the Imperial Government the importance of the Act being assented to immediately. He had no reason to believe that assent would not, but he rather supposed that it would, be given by the Home Government. (Hear, hear.)⁶⁸¹

((REJECTED MOTION RE: AMENDMENTS TO WESTON PLANK ROAD BILL.))

MR. PRICE--pursuant to notice, moved the House into Committee of the whole, to amend the Weston Plank Road Bill, by adding two clauses empowering the Company to punish persons evading the Tolls, and persons aiding and abetting them, whose lands are adjacent to the road.⁶⁸²

((The)) motion was thrown out--the Company having neglected to give notice through the Toronto papers, of their intention to apply to the Legislature for the amendment, according to the rules of the House.⁶⁸³

FOOTNOTES: 3 MARCH 1848.

1. GLOBE, 15 March 1848. The GLOBE, 4 March 1848, reported that at the time of the debate the House was "crowded almost to suffocation." In its issue of 15 March 1848, it provided some further interesting commentary on the scene of the debate: "Had a stranger come into the House during the debate he could never have been persuaded that one party were that moment realizing the victory for which they had fought during four--nay, some of them for twenty years. Hon. members laughed and chatted, lolled in their chairs, or sauntered out to Dally's (sic), while the great guns were speaking, with as much indifference as if nothing of consequence was going on--.... Cameron was absent--Badgley was sad as he thought of his lost Judgeship (sic)--Cayley grinned Carker-like, but without the character of that worthy individual--Sherwood was subdued and killingly civil to everybody--McDonald seemed to be half-glad at the relief he was about to obtain, but horrified as he thought of the quizzing he would get from his jovial companions--Daly, sweet Dominic--looked the most contented of the lot! He absolutely smiled--a sweet smile...." In a more serious vein the GLOBE, 15 March 1848, noted: "It will be observed that no French Canadian member spoke during the debate. This was intentional--as they thought silence the best mode of showing the utter contempt with which they regard the present Administration."
2. The debate on this matter was reported by: PILOT, 9, 11, March 1848, EXAMINER, 15 March 1848, and PROVINCIALIST, 21 March 1848, in identical accounts, except that the PILOT's account contained more speakers than the other two papers; BRITISH COLONIST, 14 March 1848, copying MONTREAL HERALD, and BRITISH WHIG, 11 March 1848, in identical accounts, except that the BRITISH COLONIST contained more speakers; MONTREAL TRANSCRIPT, 4 March 1848, copied by PROVINCIALIST, 21 March 1848; MONTREAL GAZETTE, 6 March 1848, copied by HAMILTON SPECTATOR, 11 March 1848, ST. CATHARINES JOURNAL, 16 March 1848, and CHATHAM GLEANER, 14 March 1848, in identical accounts, except that the SPECTATOR, JOURNAL, and GLEANER, all omitted certain speeches, and the JOURNAL also abbreviated other speeches; GLOBE, 4 March 1848, BRITISH COLONIST, 7 March 1848, and MORNING CHRONICLE, 6 March 1848, in identical accounts; GLOBE, 15 March 1848, copying from MONTREAL GAZETTE, 6 March 1848, PILOT, 9, 11, March 1848, and MONTREAL HERALD, which also contained original material; MONTREAL TRANSCRIPT, 9 March 1848, copied by HAMILTON SPECTATOR, 18 March 1848; HAMILTON SPECTATOR, 15 March 1848, which incorrectly identified its source as MONTREAL GAZETTE, 6 March 1848, and PROVINCIALIST, 28 March 1848, in identical accounts, except that HAMILTON SPECTATOR contained more speeches; LE CANADIEN, 8 March 1848; LA MINERVE, 6 March 1848; L'AVENIR, 4 March 1848; LE JOURNAL DE QUEBEC, 9 March 1848; and CHATHAM GLEANER, 7 March 1848. Cayley's speech was reported identically by: BRITISH COLONIST, 14 March 1848, PILOT, 9 March 1848, BATHURST COURIER, 24 March 1848, MONTREAL TRANSCRIPT, 7 March 1848, part of whose columns have been cut away, PRINCE EDWARD GAZETTE, 17 March 1848, MONTREAL GAZETTE, 6

March 1848, copied by PROVINCIALIST, 21 March 1848, and by BRITISH WHIG, 15 March 1848, and HAMILTON SPECTATOR, 15 March 1848. Commentaries on the debate may be found in MONTREAL TRANSCRIPT, 7 March 1848, copied by PROVINCIALIST, 21 March 1848; PILOT, 7 March 1848, copied by EXAMINER, 15 March 1848; MONTREAL GAZETTE, 6 March 1848; L'AVENIR, 8 March 1848; and PROVINCIALIST, 21 March 1848.

3. Prince's speech, according to MONTREAL TRANSCRIPT, 4 March 1848, was "long, rambling, and by no means fortunate". GLOBE, 15 March 1848, observed that he "spoke an hour and a quarter".
4. MONTREAL GAZETTE, 6 March 1848, said that he rose "with a bow and a smile".
5. PILOT, 9 March 1848.
6. MONTREAL GAZETTE, 6 March 1848.
7. PILOT, 7 March 1848.
8. BRITISH COLONIST, 14 March 1848.
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95. MONTREAL GAZETTE, 6 March 1848.
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150. MONTREAL GAZETTE, 6 March 1848.
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152. IBID.
153. IBID.
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186. MONTREAL GAZETTE, 6 March 1848.
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191. BRITISH COLONIST, 14 March 1848.
192. PILOT, 9 March 1848.
193. BRITISH COLONIST, 14 March 1848.
194. PILOT, 9 March 1848.

195. IBID.
196. MONTREAL GAZETTE, 6 March 1848.
197. According to LE CANADIEN, 8 March 1848, Christie spoke "d'une voix lente, sourde et presque sépulchraie". LA MINERVE, 6 March 1848, reported: "M. Christie a parlé pendant environ deux heures".
198. BRITISH COLONIST, 14 March 1848.
199. MONTREAL GAZETTE, 6 March 1848.
200. BRITISH COLONIST, 14 March 1848.
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212. BRITISH COLONIST, 14 March 1848.
213. MONTREAL GAZETTE, 6 March 1848.
214. IBID.
215. BRITISH COLONIST, 14 March 1848.
216. MONTREAL GAZETTE, 6 March 1848.
217. BRITISH COLONIST, 14 March 1848.
218. MONTREAL GAZETTE, 6 March 1848.
219. PILOT, 9 March 1848, which added "but in a tone of voice so low, that his observations are entirely lost to us."
220. Baldwin's speech prompted a fair amount of commentary. The GLOBE, 15 March 1848, observed: "The hon. gentleman rose to speak at a quarter past six, and continued till a quarter to eight. It was one of Mr. Baldwin's sound, practical, constitutional speeches--free from declamation or oratorical flourishes." According to LE CANADIEN, 8 March 1848, Baldwin gave "un discours modéré...dans lequel on pouvait voir aisément la sagesse et la réserve de l'homme d'état arrivant au pouvoir". The paper added: "M. Baldwin parla pour longtemps avec calme et dignité...et fut...écouté dans un religieux silence." MONTREAL TRANSCRIPT, 7 March 1848 commented: "Mr. Baldwin spoke with evident restraint, as though he felt the difficulty of being generous."
221. PILOT, 9 March 1848.
222. BRITISH COLONIST, 14 March 1848.
223. PILOT, 9 March 1848.
224. BRITISH COLONIST, 14 March 1848.
225. PILOT, 9 March 1848.
226. BRITISH COLONIST, 14 March 1848.
227. PILOT, 9 March 1848.
228. BRITISH COLONIST, 14 March 1848.
229. PILOT, 9 March 1848.
230. GLOBE, 15 March 1848.

231. PILOT, 9 March 1848.
232. BRITISH COLONIST, 14 March 1848.
233. PILOT, 9 March 1848.
234. BRITISH COLONIST, 14 March 1848.
235. PILOT, 9 March 1848.
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238. MONTREAL GAZETTE, 6 March 1848.
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241. PILOT, 9 March 1848.
242. BRITISH COLONIST, 14 March 1848.
243. PILOT, 9 March 1848.
244. BRITISH COLONIST, 14 March 1848.
245. PILOT, 9 March 1848.
246. GLOBE, 15 March 1848.
247. PILOT, 9 March 1848.
248. BRITISH COLONIST, 14 March 1848.
249. PILOT, 9 March 1848.
250. MONTREAL GAZETTE, 6 March 1848.
251. BRITISH COLONIST, 14 March 1848, quoted the word "consistency".
252. PILOT, 9 March 1848.
253. BRITISH COLONIST, 14 March 1848.
254. PILOT, 9 March 1848.
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272. MONTREAL GAZETTE, 6 March 1848.
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275. GLOBE, 15 March 1848.
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279. BRITISH COLONIST, 14 March 1848.
280. GLOBE, 15 March 1848.

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296. PILOT, 9 March 1848.
297. GLOBE, 15 March 1848.
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355. BRITISH COLONIST, 14 March 1848.
356. PILOT, 9 March 1848.
357. MONTREAL GAZETTE, 6 March 1848.
358. PILOT, 9 March 1848.
359. BRITISH COLONIST, 14 March 1848.
360. PILOT, 9 March 1848 noted: "Mr. LaFontaine seconded the amendment, but did not address the House."
361. LE CANADIEN, 8 March 1848.
362. IBID.
363. According to LA MINERVE, 6 March 1848, Cayley addressed the House "durant plus de deux heures." MONTREAL TRANSCRIPT, 4 March 1848, labelled his reply as "rambling and lame" and in its issue of 7 March 1848, described the speech as "wretched in the manner of its delivery".
364. MONTREAL GAZETTE, 6 March 1848.
365. IBID.
366. IBID.
367. IBID.
368. IBID.
369. LE CANADIEN, 8 March 1848.
370. MONTREAL GAZETTE, 6 March 1848.
371. IBID.
372. LE CANADIEN, 8 March 1848.
373. MONTREAL GAZETTE, 6 March 1848.
374. GLOBE, 15 March 1848 commented: "Mr. Price rose in reply to Mr. Cayley at 5 minutes to 9. He made an excellent speech". LE CANADIEN,

8 March 1848, observed that Price spoke "avec éloquence". It continued: "La péroraison de son discours, dans laquelle il a résumé tous les maux soufferts par le pays depuis trois ans, a été fort belle." MONTREAL TRANSCRIPT, 4 March 1848, described it as "a sharp, caustic speech, which seemed to take well with the House." In its issue of 7 March 1848, the TRANSCRIPT wrote "his humour had nothing of bitterness in it, and seemed to arise more from exuberance of spirit than a desire to give a parting kick to those who were relinquishing office."

- 375. PILOT, 11 March 1848.
- 376. HAMILTON SPECTATOR, 11 March 1848.
- 377. PILOT, 11 March 1848.
- 378. HAMILTON SPECTATOR, 11 March 1848.
- 379. PILOT, 11 March 1848.
- 380. HAMILTON SPECTATOR, 11 March 1848.
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- 386. HAMILTON SPECTATOR, 11 March 1848.
- 387. PILOT, 11 March 1848.
- 388. HAMILTON SPECTATOR, 11 March 1848.
- 389. PILOT, 11 March 1848.
- 390. IBID.
- 391. HAMILTON SPECTATOR, 11 March 1848.
- 392. PILOT, 11 March 1848.
- 393. HAMILTON SPECTATOR, 11 March 1848.
- 394. PILOT, 11 March 1848.
- 395. HAMILTON SPECTATOR, 11 March 1848.
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- 399. HAMILTON SPECTATOR, 11 March 1848.
- 400. PILOT, 11 March 1848.
- 401. HAMILTON SPECTATOR, 11 March 1848.
- 402. PILOT, 11 March 1848.
- 403. HAMILTON SPECTATOR, 11 March 1848.
- 404. PILOT, 11 March 1848.
- 405. HAMILTON SPECTATOR, 11 March 1848, which added in parentheses "as we understood him".
- 406. PILOT, 11 March 1848.
- 407. HAMILTON SPECTATOR, 11 March 1848.
- 408. PILOT, 11 March 1848.
- 409. HAMILTON SPECTATOR, 11 March 1848.
- 410. PILOT, 11 March 1848.
- 411. HAMILTON SPECTATOR, 11 March 1848.
- 412. PILOT, 11 March 1848.
- 413. HAMILTON SPECTATOR, 11 March 1848.
- 414. PILOT, 11 March 1848.
- 415. IBID.

- 416. IBID.
- 417. IBID.
- 418. HAMILTON SPECTATOR, 11 March 1848.
- 419. PILOT, 11 March 1848,
- 420. HAMILTON SPECTATOR, 11 March 1848,
- 421. PILOT, 11 March 1848.
- 422. IBID.
- 423. HAMILTON SPECTATOR, 11 March 1848.
- 424. PILOT, 11 March 1848.
- 425. IBID.
- 426. IBID.
- 427. IBID.
- 428. IBID.
- 429. HAMILTON SPECTATOR, 11 March 1848.
- 430. MONTREAL GAZETTE, 6 March 1848.
- 431. PILOT, 11 March 1848.
- 432. HAMILTON SPECTATOR, 11 March 1848.
- 433. PILOT, 11 March 1848.
- 434. MONTREAL GAZETTE, 6 March 1848.
- 435. PILOT, 11 March 1848.
- 436. HAMILTON SPECTATOR, 11 March 1848.
- 437. PILOT, 11 March 1848.
- 438. HAMILTON SPECTATOR, 11 March 1848.
- 439. PILOT, 11 March 1848.
- 440. HAMILTON SPECTATOR, 11 March 1848.
- 441. PILOT, 11 March 1848.
- 442. HAMILTON SPECTATOR, 11 March 1848.
- 443. MONTREAL GAZETTE, 6 March 1848.
- 444. PILOT, 11 March 1848.
- 445. HAMILTON SPECTATOR, 11 March 1848.
- 446. PILOT, 11 March 1848.
- 447. HAMILTON SPECTATOR, 11 March 1848.
- 448. PILOT, 11 March 1848.
- 449. HAMILTON SPECTATOR, 11 March 1848.
- 450. PILOT, 11 March 1848.
- 451. IBID.
- 452. IBID. The figure £20,000 was copied from the PROVINCIALIST, 28 March, 1848, as the PILOT misprinted the amount as £s0,000.
- 453. HAMILTON SPECTATOR, 11 March 1848.
- 454. PILOT, 11 March 1848.
- 455. HAMILTON SPECTATOR, 11 March 1848.
- 456. PILOT, 11 March 1848.
- 457. HAMILTON SPECTATOR, 11 March 1848.
- 458. PILOT, 11 March 1848.
- 459. MONTREAL GAZETTE, 6 March 1848.
- 460. PILOT, 11 March 1848.
- 461. MONTREAL GAZETTE, 6 March 1848.
- 462. HAMILTON SPECTATOR, 11 March 1848.
- 463. MONTREAL GAZETTE, 6 March 1848.
- 464. PILOT, 11 March 1848.

465. MONTREAL GAZETTE, 6 March 1848.
466. PILOT, 11 March 1848.
467. HAMILTON SPECTATOR, 11 March 1848.
468. MONTREAL GAZETTE, 6 March 1848.
469. PILOT, 11 March 1848.
470. HAMILTON SPECTATOR, 11 March 1848.
471. PILOT, 11 March 1848.
472. HAMILTON SPECTATOR, 11 March 1848.
473. PILOT, 11 March 1848.
474. HAMILTON SPECTATOR, 11 March 1848.
475. PILOT, 11 March 1848.
476. IBID.
477. IBID.
478. IBID.
479. IBID.
480. HAMILTON SPECTATOR, 11 March 1848.
481. PILOT, 11 March 1848.
482. HAMILTON SPECTATOR, 11 March 1848.
483. PILOT, 11 March 1848.
484. HAMILTON SPECTATOR, 11 March 1848.
485. MONTREAL GAZETTE, 6 March 1848.
486. PILOT, 11 March 1848.
487. GLOBE, 15 March 1848, observed: "Mr. H. J. Boulton rose at a quarter to 10, and delivered a keen, cutting, and able speech". LE CANADIEN, 8 March 1848, commented: "M. Boulton est d'ailleurs un homme très distingué; mais sa voix est faible, sa déclamation emphatique et monotone, et son discours a été trouvé long."
488. PILOT, 11 March 1848.
489. MONTREAL GAZETTE, 6 March 1848.
490. GLOBE, 15 March 1848.
491. PILOT, 11 March 1848.
492. MONTREAL GAZETTE, 6 March 1848.
493. PILOT, 11 March 1848.
494. MONTREAL GAZETTE, 6 March 1848.
495. PILOT, 11 March 1848.
496. GLOBE, 15 March 1848.
497. PILOT, 11 March 1848.
498. GLOBE, 15 March 1848.
499. PILOT, 11 March 1848.
500. GLOBE, 15 March 1848, added that he said this "with much emphasis".
501. GLOBE, 15 March 1848.
502. PILOT, 11 March 1848.
503. GLOBE, 15 March 1848.
504. PILOT, 11 March 1848.
505. GLOBE, 15 March 1848.
506. PILOT, 11 March 1848.
507. GLOBE, 15 March 1848.
508. PILOT, 11 March 1848.
509. MONTREAL GAZETTE, 6 March 1848.
510. PILOT, 11 March 1848.

511. MONTREAL GAZETTE, 6 March 1848.
512. PILOT, 11 March 1848.
513. MONTREAL GAZETTE, 6 March 1848.
514. PILOT, 11 March 1848.
515. GLOBE, 15 March 1848.
516. PILOT, 11 March 1848.
517. MONTREAL GAZETTE, 6 March 1848.
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535. PILOT, 11 March 1848.
536. GLOBE 15 March 1848.
537. PILOT, 11 March 1848.
538. MONTREAL GAZETTE, 6 March 1848.
539. PILOT, 11 March 1848,
540. MONTREAL GAZETTE, 6 March 1848.
541. PILOT, 11 March 1848.
542. GLOBE, 15 March 1848.
543. PILOT, 11 March 1848.
544. GLOBE, 15 March 1848.
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553. PILOT, 11 March 1848.
554. GLOBE, 15 March 1848.
555. PILOT, 11 March 1848.
556. MONTREAL GAZETTE, 6 March 1848.
557. GLOBE, 15 March 1848.
558. MONTREAL GAZETTE, 6 March 1848.
559. GLOBE, 15 March 1848, which added: "in a short speech".
560. PILOT, 11 March 1848.

561. IBID.
562. GLOBE, 15 March 1848.
563. PILOT, 11 March 1848.
564. HAMILTON SPECTATOR, 11 March 1848.
565. PILOT, 11 March 1848.
566. HAMILTON SPECTATOR, 11 March 1848.
567. PILOT, 11 March 1848.
568. HAMILTON SPECTATOR, 11 March 1848.
569. MONTREAL GAZETTE, 6 March 1848.
570. HAMILTON SPECTATOR, 11 March 1848.
571. PILOT, 11 March 1848.
572. HAMILTON SPECTATOR, 11 March 1848.
573. PILOT, 11 March 1848.
574. HAMILTON SPECTATOR, 11 March 1848.
575. GLOBE, 15 March 1848.
576. HAMILTON SPECTATOR, 11 March 1848.
577. PILOT, 11 March 1848.
578. HAMILTON SPECTATOR, 11 March 1848.
579. PILOT, 11 March 1848.
580. MONTREAL GAZETTE, 6 March 1848.
581. HAMILTON SPECTATOR, 11 March 1848.
582. PILOT, 11 March 1848.
583. MONTREAL GAZETTE, 6 March 1848.
584. HAMILTON SPECTATOR, 11 March 1848.
585. MONTREAL GAZETTE, 6 March 1848.
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587. PILOT, 11 March 1848.
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589. MONTREAL GAZETTE, 6 March 1848.
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593. MONTREAL GAZETTE, 6 March 1848.
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598. HAMILTON SPECTATOR, 11 March 1848.
599. MONTREAL GAZETTE, 6 March 1848.
600. HAMILTON SPECTATOR, 11 March 1848.
601. MONTREAL GAZETTE, 6 March 1848.
602. HAMILTON SPECTATOR, 11 March 1848.
603. IBID.
604. MONTREAL GAZETTE, 6 March 1848.
605. HAMILTON SPECTATOR, 11 March 1848. The MONTREAL GAZETTE, 6 March 1848, imputed these remarks to Drummond.
606. MONTREAL GAZETTE, 6 March 1848.
607. HAMILTON SPECTATOR, 11 March 1848.
608. PILOT, 11 March 1848.
609. HAMILTON SPECTATOR, 11 March 1848.

- 610. PILOT, 11 March 1848.
- 611. HAMILTON SPECTATOR, 11 March 1848.
- 612. PILOT, 11 March 1848.
- 613. MONTREAL GAZETTE, 6 March 1848.
- 614. PILOT, 11 March 1848.
- 615. HAMILTON SPECTATOR, 11 March 1848.
- 616. MONTREAL GAZETTE, 6 March 1848.
- 617. HAMILTON SPECTATOR, 11 March 1848.
- 618. PILOT, 11 March 1848.
- 619. MONTREAL GAZETTE, 6 March 1848.
- 620. HAMILTON SPECTATOR, 11 March 1848.
- 621. MONTREAL GAZETTE, 6 March 1848.
- 622. HAMILTON SPECTATOR, 11 March 1848.
- 623. MONTREAL GAZETTE, 6 March 1848.
- 624. HAMILTON SPECTATOR, 11 March 1848.
- 625. MONTREAL GAZETTE, 6 March 1848.
- 626. HAMILTON SPECTATOR, 11 March 1848.
- 627. MONTREAL GAZETTE, 6 March 1848.
- 628. HAMILTON SPECTATOR, 11 March 1848.
- 629. IBID.
- 630. IBID.
- 631. MONTREAL GAZETTE, 6 March 1848.
- 632. IBID.
- 633. PILOT, 11 March 1848.
- 634. HAMILTON SPECTATOR, 11 March 1848.
- 635. MONTREAL GAZETTE, 6 March 1848.
- 636. PILOT, 11 March 1848.
- 637. HAMILTON SPECTATOR, 11 March 1848.
- 638. PILOT, 11 March 1848.
- 639. The report of and simultaneous commentary on the maiden speech of the member for Hastings, carried by the MONTREAL TRANSCRIPT, 9 March 1848, and copied by HAMILTON SPECTATOR, 18 March 1848, was of such extraordinary character that part of it is reproduced here.

"...What modesty of soul!--not to ask but claim as a PRIVILEGE to be the greatest greenhorn in the House. No wonder that hon. Members acknowledged Mr. Flint's pretensions in a titter that awoke even Mr. Baldwin from his slumbers.

Henceforth amongst the "privileges" of Parliament, that of being superlatively "green" will stand very conspicuous, and it is a privilege the Member of Hastings is entitled to have all for himself. There are others, we know, who may think they have a right to contest with him, but none have done so much to earn it as he. In the face of the House and the country he has claimed it: "it is my privilege," he has said;--"of the three degrees of comparison, the superlative is mine--Mr. Cauchon may be green, and Mr. Chaveau (sic) may be greener, but I am the greenest. Dogberry was written down an ass, but I will be written down the ((green))est greenhorn in Parliament!"

On looking to our dictionary, we find "greenhorn" defined "a raw youth--a dolt--a stupid--a ninny;" but surely this must be a mistake. Billa Flint is fifty years old, and how can a man of fifty years old

be a "raw youth;"--oh no! Still there is no mistake about Mr. Flint's being a "greenhorn," and the greatest "greenhorn" in Parliament. He has said so himself, and surely he ought to know!

What Mr. Flint said afterwards fell dead on our ears; we saw him from that moment through a green medium, and everything around him was as verdant as grass--he became to our eyes a kind of political Nebuchadnezzar--a herbiferous (sic) and not a carnivorous animal;--his head was a cabbage--a very green cabbage--his legs were a couple of leeks--parsley grew out of the sides of his face, and his sanctified belly was an overgrown gourd or pumpkin. He told the House, we believe, that he had been twenty years on the total abstinence ticket--a vegetable antidote to whiskey--and that if rebellion were to come he would put his shoulder to the wheel--though whether to push it on or to keep it back, he was much too "green" to inform them. He also mentioned that his own election had been secured in two days, and that the people of Hastings had sent him--the "greatest greenhorn"--to Parliament, for the "good of their country." If they did, all we can say is that they made a pretty considerable mistake, and that they would have done better to have boiled their vegetable production at home, instead of putting him into hot water in Parliament.

In his occupation, Mr. Billa Flint is, we are told, a store-keeper, and has not the reputation of being quite so great a "greenhorn" in that capacity as in Parliament. Some of his transactions with the customs, we are told, exhibit remarkable shrewdness, and stamp him as a man having the strongest aversion (on principle of course) to the payment of all kind of duties. His appearance we have already attempted to describe. His dress has nothing particular in it, and the whole man, but for his avowal of such singular greenness, would hardly be worth notice. The people of Hastings have certainly shown great sagacity in displacing Mr. Murney in order to send so great a "greenhorn" to Parliament.

MOSQUITO.

According to PILOT, 11 March 1848, Flint "was at times very imperfectly heard in the Reporter's Gallery".

- 640. MONTREAL TRANSCRIPT, 9 March 1848.
- 641. MONTREAL GAZETTE, 6 March 1848.
- 642. MONTREAL TRANSCRIPT, 9 March 1848.
- 643. PILOT, 11 March 1848.
- 644. MONTREAL TRANSCRIPT, 9 March 1848.
- 645. PILOT, 11 March 1848.
- 646. MONTREAL TRANSCRIPT, 9 March 1848.
- 647. PILOT, 11 March 1848.
- 648. HAMILTON SPECTATOR, 11 March 1848.
- 649. PILOT, 11 March 1848.
- 650. IBID.
- 651. IBID.
- 652. HAMILTON SPECTATOR, 11 March 1848.
- 653. PILOT, 11 March 1848.

- 654. HAMILTON SPECTATOR, 11 March 1848.
- 655. PILOT, 11 March 1848.
- 656. HAMILTON SPECTATOR, 11 March 1848.
- 657. PILOT, 11 March 1848.
- 658. HAMILTON SPECTATOR, 11 March 1848.
- 659. PILOT, 11 March 1848.
- 660. HAMILTON SPECTATOR, 11 March 1848.
- 661. PILOT, 11 March 1848.
- 662. HAMILTON SPECTATOR, 11 March 1848.
- 663. PILOT, 11 March 1848.
- 664. HAMILTON SPECTATOR, 11 March 1848.
- 665. PILOT, 11 March 1848.
- 666. HAMILTON SPECTATOR, 11 March 1848.
- 667. MONTREAL TRANSCRIPT, 9 March 1848.
- 668. PILOT, 11 March 1848.
- 669. HAMILTON SPECTATOR, 11 March 1848.
- 670. PILOT, 11 March 1848.
- 671. HAMILTON SPECTATOR, 11 March 1848.
- 672. PILOT, 11 March 1848.
- 673. HAMILTON SPECTATOR, 11 March 1848.
- 674. PILOT, 11 March 1848.
- 675. GLOBE, 15 March 1848, which reported that this occurred at midnight, whereas MONTREAL TRANSCRIPT, 4 March 1848, reported that the decision was taken at "half past 11 o'clock".
- 676. GLOBE, 15 March 1848.
- 677. PILOT, 11 March 1848 noted: "the House adjourned at twelve o'clock".
- 678. The debate on this matter was reported in: PILOT, 9 March 1848, and HAMILTON SPECTATOR, 15 March 1848, in identical accounts; LA MINERVE, 6 March 1848; and GLOBE, 15 March 1848.
- 679. GLOBE, 15 March 1848.
- 680. PILOT, 9 March 1848.
- 681. IBID.
- 682. GLOBE, 15 March 1848.
- 683. IBID.

MONDAY, 6 MARCH 1848.¹

(18)

Mr. Cuthbert
takes his
Seat.

took his seat in the House.

WILLIAM CUTHBERT, Esquire, Member for the County of Bonaventure, having previously taken the oath, according to law, and subscribed before the Commissioners the Roll containing the same,

Champlain
and St. Law-
rence Railroad.

Mr. Speaker laid before the House, a Statement of the Affairs of the Champlain and St. Lawrence Railroad, for the year 1847.

Appendix (D.)

For the said Statement, see Appendix (D.)

Sherbrooke
Cotton Factory.

Also, a Statement of the Affairs of the Sherbrooke Cotton Factory, pursuant to the Act 8th Victoria, cap. 91.

Appendix (E.)

For the said Statement, see Appendix (E.)

Prescott
Election.

Mr. Speaker acquainted the House, that Donald M'Donald (Roy), and Alexander M'Dougall, Esquires, had entered into the usual Recognizance required by law, on the subject matter of the Contested Election for the County of Prescott.

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Abraham Moon and others, of the Township of Osgoode.

By Mr. Cameron of Kent,--The Petition of H. Jones and others, of Enniskillen and other Townships, in the Western District; and the Petition of Mrs. Hannah Thompson, of Perth, in the District of Bathurst, widow of the late Nicholas T. Thompson.

By Mr. Guillet,--The Petition of Ferdinand Filteau, Esquire, and others, of Ste. Geneviève and other Parishes, on the River Batiscan, in the County of Champlain.

By the Honorable Mr. Boulton,--The Petition of I. W. Powell and others, of Port Dover and its vicinity.

By Mr. Laurin,--The Petition of the Reverend James Nelligen and others, Roman Catholic Clergymen of the County of Megantic; and the Petition of Louis Méthot, Mayor, and others, of the Parish of Ste. Croix.

(19)

By Mr. Thompson,--The Petition of John Jarron and others, of the District of Niagara.

By Mr. Wilson,--The Petition of Malcolm Cameron, Esquire, and others; and the Petition of Orange Clarke, of London, in the District of London.

By Mr. Brooks,--The Petition of Thomas Davis and others, of Eaton and other Townships.

By Mr. Smith of Wentworth,--The Petition of James O'Loane and others, of the Townships of Glandford and Ancaster, in the District of Gore.

By Mr. Lyon,--The Petition of Charles P. Treadwell, Esquire, and

others, of the District of Ottawa.

By Mr. Holmes,--The Petition of the Montreal Telegraph Company; the Petition of J. T. Brondgeest, Esquire, President, and others, on behalf of the Hamilton Board of Trade (Canals); the Petition of J. T. Brondgeest, Esquire, President, and others, on behalf of the Hamilton Board of Trade (Joint Stock Companies); the Petition of J. T. Brondgeest, Esquire, President, and others, on behalf of the Hamilton Board of Trade (Usury Laws); and the Petition of the Montreal and Lachine Railroad Company.

By Mr. Dumas,--The Petition of A. LaRocque of Montreal, and of Amable Archambeault and others, of the Parish of L'Assomption; and the Petition of J. B. Meilleur, Esquire, and others, members of the Incorporated College of L'Assomption.

By the Honorable Mr. LaFontaine,--The Petition of the Reverend Messire Ducharme, Founder and Superior of the College of Ste. Thérèse de Blainville.

By Mr. Hall,--The Petition of the Municipal Council of the District of Colborne (Criminal Justice); and the Petition of the Municipal District of Colborne (Land Tax).

By Mr. DeWitt,--The Petition of S. H. Masson, and others, inhabitants of Dundee and its vicinity, in the County of Beauharnois.

By the Honorable Mr. Macdonald,--The Petition of John Counter, Esquire, and others, of Kingston, (Marine Insurance Company).

By Mr. Wetenhall,--The Petition of the Municipal Council of the District of Gore (Remuneration to Warden); and the Petition of the Municipal Council of the District of Gore (Clerks of the Peace).

By Mr. Richards,--The Petition of James A. Chambers and others, of the Village of Farmersville and its vicinity, in the County of Leeds.

By Mr. Prince,--The Petition of the Municipal Council of the Western District (Absentees); and the Petition of the Municipal Council of the Western District (Education).

By Mr. Chabot,--The Petition of the Charitable Association of the Roman Catholic Ladies of Quebec.

By Mr. Morrison,--The Petition of Ashton Fletcher and others, of the Township of Markham and its vicinity.

By the Honorable Mr. Laterrière,--The Petition of the Reverend M. Chauvin and others, of the Parishes of La Baie St. Paul and St. Urbain, in the County of Saguenay; and the Petition of the Reverend A. Beaudry and others, of the Parish of St. Etienne dite La Malbaie and other places, in the County of Saguenay.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of George B. Hopper and others, of the Township of Nepeau; praying the appointment of a Surveyor to complete the survey of Concession A, Rideau front of the said Township.

Of William Kirk and others, of the Townships of Hemmingford and Sherington; praying that the Revenue Laws may be so amended as to allow them free ingress and egress to the Mills and Machinery situated within the United States, for the purpose of domestic Milling.

Of W. H. Boulton, Esquire, Mayor, on behalf of a Meeting of the Inhabi-

tants of the City of Toronto; representing the evils resulting from the Emigration of last year, and praying for the adoption of such measures as may prevent their recurrence.

Cf John Counter, Esquire, and others, of the City of Kingston; praying to be incorporated as the City of Kingston Gas Light Company.

Of David Trudel and others, of the Parish of Ste. Geneviève de Batis-can; praying for amendments to the Education Act.

Cf Joseph Richard Thompson, of the Township of Brock, in the Home District; praying for the passing of an Act to authorize the Courts of Chancery and Queen's Bench in Upper Canada, in their discretion, to admit him to practise as a Solicitor and an Attorney therein respectively.

Of the Reverend C. Gauvreau and others, of Rivière Ouelle, and adjoining Parishes; praying for pecuniary aid in favor of an Establishment for the education of young females, founded by the late Bishop Panet, of Quebec.

Of Philip Wismer and others, of the District of Niagara; praying the repeal of that part of the Act 9 Vic. Chap. 28, which imposes a fine upon Quakers, Menonists, and Tunkers, refusing to do Militia duty in time of War.

Of Daniel Palmer and others, of the Township of Grimsby, in the District of Niagara; praying for the appointment of a Commission to establish the Concession or Road allowances in the said Township.

Of Samuel Wood and others, of Grantham and other Townships, in the District of Niagara; praying an Act of Incorporation to enable them to construct a Turnpike Road from St. Catharine's to the top of the Mountain known as the Mill Road.

Of Louis Edouard Pacaud, Esquire, Commissioner of the Bankrupt Court for the District of Three Rivers; praying to be remunerated for his services as such, from the 21st April, 1844, to the 17th August, 1846.

Of Joseph Boucher de Niverville, of Three Rivers, Esquire, Captain of the Indian Corps during the late War with the United States; praying remuneration for his services during the last War.

Of the Reverend Messire Lebourdais and others, of St. Antoine de la Rivière du Loup and other Parishes, in the County of St. Maurice; praying for a grant of money for the improvement of the Rivière du Loup.

Of the Municipal Council of the District of Brock; praying that the endowment of the University of King's College, Toronto, may not be divided, and that Theological Institutions may in no case be provided at the public expense.

Of the Municipal Council of the District of Brock; praying the passing of a law to authorize Commissioners to settle all disputed lines, boundaries, and road allowances, in the said District.

Of the Municipal Council of the District of Brock; praying that the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, may be held in the said District more than once a-year.

Of D. Thomas and others, of the Townships of Shipton and Melbourne, County of Sherbrooke; praying aid to continue the Arthabaska Road to the Craig's Road, at or near the Village of Richmond, in the said Township.

Of the Rector and Churchwardens of St. Paul's Church, of London, in the District of London; praying for the passing of an Act to authorize

them to dispose of certain Lands belonging to the said Church, and to lease certain other Lands also belonging to the said Church.

Of L. Lawrason and others, of the Town of London; praying to be incorporated as a Joint Stock Company for the introduction of suitable

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Manufactures into this Province.

Of Guillaume Robitaille and others, of L'Ancienne Lorette; praying that a loan may be effected for the purpose of macadamizing the Road leading from Côte à Champigny to Commissioners Bridge.

Of Antoine Légaré and others, Members of the Association of Teachers of the District of Quebec; praying for aid to enable them to establish a Library,

Of the Reverend John Cook, D. D., President of the Quebec Library Association; praying a grant of money in aid of the said Association.

Of M. Townsend and others, Directors of the Clarenceville Academy; praying for an increased aid to the said Institution.

Of Alphonso Wells, Esquire, late Commissioner, on the part of Canada, for determining the boundary line between Canada and New Brunswick; praying remuneration for his services and expenses in the said capacity.

Of the Reverend John O'Grady and others, of Ste. Catherine de Fossambault; praying that the Parish Municipal Councils be revived.

Of J. E. Pageot and others, of the Parish of L'Ancienne Lorette, in the County of Portneuf; praying that the Parish Municipal Councils be revived.

Of the Members of the College of St. Hyacinthe; setting forth the insufficiency of the Building now used for the purposes of the said College, and praying aid to erect a more suitable Building.

Of the Reverend E. Blyth and others, of the Parish of Ste. Martine de Beauharnois; praying aid for the construction of a Toll Bridge over the River Chateauguay.

Of Henry J. Barber and others, of the Township of Townsend; praying that no Charter be granted for the construction of the contemplated Road from Waterford to the Hamilton and Port Dover Road, but that a survey may be made by an officer of the Board of Works, to ascertain the best and most practicable line of road for that section of Country.

Of Alexis Rivard, Esquire, and Joseph Garon, of Rimouski; praying to be remunerated for their services as Warden and Clerk, respectively, of the late Municipal Council of the District of Rimouski.

Of the Montreal Board of Trade; praying for the passing of an Act to regulate the packing of Butter, and its inspection at the Ports of Quebec and Montreal.

Of the Montreal Board of Trade; praying the continuation of the Act 9 Vic. cap. 30, relating to Bankrupt Laws, and, also, of the Act 4 and 5 Vic. Cap. 89, regulating the inspection of Flour and Meal.

Of Peter Perry, Esquire, and others, of Whitby, Pickering, and adjacent Townships; praying for aid to macadamize, plank, or gravel the Road between the Rouge Hill and the eastern limit of Whitby, or otherwise that they may be incorporated as a Joint Stock Company for that purpose.

Of the Municipal Council of the District of Johnstown; praying that the Law relating to the expenses of the Administration of Criminal Justice

in Upper Canada, may be so amended as that all such expenses may be paid out of the Consolidated Revenue Fund of the Province.

Of George Chaperon, of the Parish of La Baie St. Paul; praying to be compensated for his services as Commissioner for the opening of a communication between the said Parish and St. Joachim.

Of the Literary and Historical Society of Quebec; praying the usual annual aid in support of the said Institution.

Of Richard Tims and others, of Cap Blanc, Quebec; praying that in the event of the renewal of the leases of certain lands called Cap Blanc, their rights and interests may be observed.

Of the Roman Catholic Board of School Commissioners of the City of Quebec; praying a certain amendment to the Education Law.

Of William K. Mackenzie of L'Orignal, in the County of Prescott, Esquire; setting forth:--That the Petitioner is, and, at the last General Election of a Representative to represent the said County of Prescott in the present Parliament, was a freeholder in the County of Prescott, and claimed to have had a right to vote, and did vote, at the said General Election, wherein Donald M'Donald, Neil Stewart, and Thomas Hall Johnson, Esquires, were candidates for the representation thereof: That at such Election, the said Thomas Hall Johnson, was declared by the Returning Officer duly elected as the Representative of the said County of Prescott, by a majority of one over the said Neil Stewart: That some of the voters who voted for the said Thomas Hall Johnson voted without the Township wherein the property in right of which they voted at the said Election was situated, as may be seen by a reference to the Poll Books kept at the said Election: That several of the voters who voted for the said Thomas Hall Johnson at the said Election, were not, at the time of such voting, possessed of the necessary property qualification to entitle them to vote at the said Election, in consequence of which several illegal votes were polled for the said Thomas Hall Johnson: That in the Township of West Hawkesbury, in the said County of Prescott, votes were polled for the said Thomas Hall Johnson, Donald M'Donald, and Neil Stewart, the property in right of which such votes were given were not (but with very few exceptions) entered in the Poll Book kept for the said Township, at the said Election; thus rendering it impossible, on a scrutiny of votes to determine who had the majority of legal votes at the Election so holden in the said Township: That an open house was kept in the said Township of West Hawkesbury on the days of the said Election, within a few acres of the hustings, where many of the voters of the said Thomas Hall Johnson were entertained with liquor, food and beds, at (the Petitioner believes) the expense of the said Thomas Hall Johnson: That bribery, corruption, and intimidation were resorted to by the said Thomas Hall Johnson to persons who voted for him at the said Election; and praying that the House will enquire into the allegations of the Petitioner, and act in the premises in such a manner as may appear to the House consonant with law and justice; that the Return made by the Returning Officer at the said General Election be cancelled, and that a new Writ of Election be issued for the said County of Prescott.

Petition of D. Bruce and others, referred.

Resolved, That the Petition of David Bruce and others, of the Town of Pictou, in the District of Prince Edward, be referred to a Select Committee, composed of Mr. Flint, Mr. Stevenson, Mr. Price, Mr. Prince, and Mr.

Meyers, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Address reported.

The Honorable Mr. Baldwin reported, from the Special Committee appointed to draw up an Address to His Excellency the Governor General, that they had drawn up an Address accordingly; and the same was read, as followeth:--

To His Excellency The Right Honorable James, Earl of Elgin and Kincardine, Knight of the most ancient and most noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia,

(21)

New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, humbly thank Your Excellency for your gracious Speech from the Throne, at the opening of the present Session.

We beg leave respectfully to express our gratification that Your Excellency has called us together at so early a period after the dissolution of the last Parliament.

We rejoice that Your Excellency derived so much satisfaction from the tour which, during the recess, Your Excellency was enabled to make through the Province.

We learn with the greatest satisfaction that steps have been taken for placing the Post Office in British North America on an improved footing; and we shall give our most anxious consideration and attention to any measure which may be proposed to effect this important object.

We receive with much pleasure the information that a good and practicable line of Railway between Quebec and Halifax has been discovered by the Officers to whom the exploration was confided.

We unite with Your Excellency in the expression of deepest concern for the distress and suffering attendant upon last year's immigration; and we are gratified to know that Her Majesty's Government have bestowed on the subject the most anxious consideration, with a view to the introduction of such provisions into the Imperial Passenger Act as may afford a security against the recurrence of similar disasters. And we shall be happy to co-operate with Her Majesty's Government in their precautions, by the passage of a Bill, which we hope will have the effect of discouraging the introduction of diseased and helpless persons into the Province, without checking the tide of healthy immigration which so powerfully contributes to its advancement.

We shall be happy to receive the several communications, on these and

other important matters, which have been addressed to Your Excellency by Her Majesty's Secretary of State for the Colonies.

We shall give our most attentive consideration to any measures that may be proposed for embodying the provisions generally applicable to Railroad undertakings,--for amending the constitution of the University of King's College,--for adopting a more equitable mode of Assessment in Upper Canada, and for the improvement of the system of Judicature in both sections of the Province.

The Accounts of the past year, and Estimates of the present year, shall receive our best consideration, and Your Excellency may fully rely on our readiness to grant the Supplies necessary for the Public Service.

We place every confidence in Your Excellency's disposition to co-operate with us in all measures calculated to promote the public welfare.

With the possession in singular abundance of the elements of prosperity and social happiness,--resulting from her great natural capabilities; her enterprising, intelligent, and rapidly increasing population; from Institutions which in their main characteristics are so well fitted to reconcile liberty with order; and from the blessings of peace secured to her, under Providence, by the patriotism of her sons, and her connexion with a State which is both just and powerful,--Canada requires only that these advantages should be turned to account by an equitable and constitutional Government, and by wise and practical legislation, to secure those blessings permanently to her people.

We feel deeply the responsibility devolving upon Parliament in the endeavour to accomplish these important objects; and we cordially join with Your Excellency in the prayer that we may acquit ourselves of that responsibility with fidelity and success.

We feel it, however, to be our humble duty to submit to Your Excellency, that it is essential to the satisfactory result of our deliberations on the important subjects to which Your Excellency has been graciously pleased to direct our attention, and on other matters of public concern, that Her Majesty's Provincial Administration should possess the confidence of this House and of the Country,--and we respectfully represent to Your Excellency that that confidence is not reposed in the present Advisers of Your Excellency.²

MR. BALDWIN--moved, seconded by MR. LAFONTAINE, that the amendment of the address be read a second time.³

MR. MEYERS--(Northumberland)--opposed the second reading of the amendment, as, having been absent when it passed, he was not able to give his vote⁴. He now desired to say that his vote would have been against it.⁵

(21)

The said Address being read a second time,

The Honorable Mr. Baldwin moved, seconded by the Honorable Mr. LaFontaine, That the Question of concurrence be now put upon the said Address.

The Question being put upon the said Motion, the House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Aylwin, Baldwin, Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of KENT, Cauchon, Chabot, Chauveau,

Davignon, Drummond, Duchesnay, Dumas, DeWitt, Egan, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Hall, Holmes, Hincks, Jobin, Johnson, LaFontaine, Laterrière, Laurin, Lemieux, Leslie, Lyon, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Morrison, Nelson, Notman, Papi-neau, Richards, Sauvageau, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Watts, and Weten-hall.--(53.)

NAYS.

Messieurs Attorney General Badgley, Brooks, Cayley, Christie, Crysler, Cuthbert, Daly, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Attorney General Sherwood, Smith of FRONTENAC, Stevenson, Webster, and Wilson.--(22.)

So it was carried in the Affirmative.

Address agreed to. Resolved, That this House doth agree with the Committee in the said Address to be presented to His Excellency the Governor General.

Ordered, That the said Address be engrossed.

MR. BALDWIN--then moved, seconded by MR. LAFONTAINE, that the members of the House do wait on His Excellency, the Governor General, with the Address (sic)⁶.

(21)

Resolved, That the said Address be presented to His Excellency the Governor General by the whole House.

MR. BALDWIN--seconded by Hon. MR. LAFONTAINE, moved that such Hon. Members as belonged to the Executive Council should wait on His Excellency the Governor General, and ascertain when it would be His Excellency's pleasure to receive the answer to the address.⁷

(21)

Ordered, That such Members of this House as are of the Honorable the Executive Council of this Province, do wait upon His Excellency the Governor General, to know His Excellency's pleasure when he will be attended by this House with their Address.

His Excellency appoints to be attended. The Honorable Mr. Cayley, one of Her Majesty's Executive Council, rose in his place, and acquainted Mr. Speaker and the House, that His Excellency the Governor General will receive the House with its Address, in answer to His Excellency's Speech at the opening of the present Session, to-morrow, at twelve o'clock at noon, at the Government House.

MR. INSP. GEN. CAYLEY--would also take the opportunity of informing the House, that in consequence of the vote on the amendment to the address on Friday night, Ministers had tendered their resignation to His Excellency on Saturday. He was aware that the usual course was to wait until the answer to the address had been presented, but on account of the lapse of time between Friday and the time appointed for the presentation of the answer, they had thought it adviseable to tender their resignation before hand.⁸

(21)

Norfolk Joint
Stock Com-
panies Bill.

The Order of the day for the second reading of the Bill to authorize the formation of Joint Stock Companies in the County of Norfolk, for the construction of Plank or Macadamized Roads within the said County, being read;

Ordered, That the Bill be read a second time to-morrow.

(22)

Land Sur-
veyors' Bill.
(L. C.)

The Order of the day for the second reading of the Bill to repeal the Ordinance therein mentioned, and to make better provision respecting Land Surveyors and the admeasurement of Lands in Lower Can-

ada, being read;

Ordered, That the Bill be read a second time to-morrow.

Beauharnois
Election.

The Order of the day for the attendance of R. H. Norval, Esquire, Returning Officer at the late Election for the County of Beauharnois, at the bar

of this House, being read;⁹

MR. INSP. GEN. CAYLEY--seconded by Hon. MR. COM. CR. LANDS MACDONALD, then moved the adjournment of the House, as, on account of the peculiar position in which they stood, it was advisable that business should be deferred until to-morrow.¹⁰

MR. AYLWIN--said, the only objection he had to an adjournment was that the Returning Officer for Beauharnois was in attendance, he having been cited to appear before the bar of the House on this day, and the postponement of the order of the day, of which this was one, and the adjournment of the House, might put him to serious inconvenience.¹¹

COL. GUGY and COL. PRINCE--also said, they thought it but just that he should not be kept in durance, but brought to trial at once or liberated from future appearance before the bar of the House.¹²

(22)

The Honorable Mr. Cayley moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the said Order of the day be postponed until to-morrow.

The House divided; and it was carried in the Affirmative.

Adjourn-
ment.

Resolved, That when this House doth adjourn, it will adjourn until to-morrow, at half-past eleven o'clock in the forenoon.

And then the House adjourned.¹³

APPENDIX: 6 MARCH 1848.

((NOTICE OF MOTION RE: ADDRESS ON GREAT WESTERN RAILROAD COMPANY.))

SIR A. MACNAB--gave notice that he would move for an address to His Excellency the Governor General, praying for copies of all correspondence which had passed between the Government and the Great Western Railroad Company.¹⁴

((NOTICE OF MOTION RE: INTEMPERANCE BILL.))¹⁵

COL. GUGY--moved that the House resolve itself into a Committee of the whole, to-morrow, for the purpose of considering measures for the suppression of intemperance.¹⁶

Cries of "hear, hear," from MR. AYLWIN.¹⁷

FOOTNOTES: 6 MARCH 1848.

1. PILOT, 7 March 1848, observed: "There was very little business done in the House of Assembly yesterday evening."
2. The debate on this matter was reported in: BRITISH COLONIST, 7 March 1848, GLOBE, 8 March 1848, MORNING CHRONICLE, 8 March 1848, BRITISH WHIG, 8 March 1848, and the EXAMINER, 8 March 1848, in identical accounts; MONTREAL GAZETTE, 8 March 1848, and PILOT, 11 March 1848, in accounts identical except that in the PILOT, some speeches have been omitted entirely; GLOBE, 15 March 1848; and MONTREAL TRANSCRIPT, 7 March 1848.
3. MONTREAL TRANSCRIPT, 7 March 1848.
4. MONTREAL GAZETTE, 8 March 1848.
5. MONTREAL TRANSCRIPT, 7 March 1848.
6. BRITISH COLONIST, 7 March 1848.
7. MONTREAL TRANSCRIPT, 7 March 1848.
8. IBID.
9. The debate on this matter was reported in: MONTREAL GAZETTE, 8 March 1848; MONTREAL TRANSCRIPT, 7 March 1848; LE CANADIEN, 10 March 1848; and BRITISH COLONIST, 7 March 1848, GLOBE, 8 March 1848, MORNING CHRONICLE, 8 March 1848, BRITISH WHIG, 8 March 1848, and EXAMINER, in identical accounts.
10. MONTREAL TRANSCRIPT, 7 March 1848.
11. IBID.
12. IBID.
13. LA MINERVE, 6 March 1848 noted: "La chambre s'ajourne à 5 heures".
14. GLOBE, 15 March 1848.
15. The debate on this notice was reported in: BRITISH COLONIST, 7 March 1848, EXAMINER, 8 March 1848, and BRITISH WHIG, 8 March 1848, in identical accounts; and MORNING CHRONICLE, 8 March 1848, and BRITISH COLONIST, 10 March 1848, in identical accounts.
16. MORNING CHRONICLE, 8 March 1848.
17. BRITISH COLONIST, 10 March 1848.

TUESDAY, 7 MARCH 1848.

12 O'Clock, A.M.

(22)

The House at-
tend His Ex-
cellency with
their Address.

AT the hour appointed, Mr. Speaker and the House attended upon His Excellency the Governor General, with the Address of the House.¹
And being returned;

MR. MORIN--having taken his seat, he announced to the House that the address of their honourable ((House)) had been duly presented, and that His Excellency had been pleased to make a most gracious reply therein. His Excellency had expressed himself highly gratified that the Commons were prepared to give earnest attention to the present business--had assured them that he was always desirous of listening to the advice of the House of Assembly, and that he would take immediate steps for the formation of a new Executive Council.²

(22)

Mr. Speaker reported, that the House had attended upon His Excellency with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament, to which His Excellency was pleased to make the following answer:--

His Excellen-
cy's Answer.

Gentlemen,

I receive with satisfaction the assurance of your desire to promote the interests of the Province by wise and practical legislation.

Being always anxious to listen to the advice of Parliament, I shall take measures without delay for forming a new Executive Council.

MR. INSP. GEN. CAYLEY--then rose and stated, that in consequence of the vote of Friday night the Ministry had on Saturday waited on the Head of Government and tendered their resignations; they had advised the answer which His Excellency had been pleased to make to the address of the House, and only held office until their successors were appointed.³

SIR A. MACNAB--then moved, that the Speaker do leave the Chair until 4 o'clock.⁴

4 O'Clock, A.M.

(22)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Davignon,--The Petition of Albert Chapman and others, of the Seigniorie of Foucault, in the County of Rouville.

By Mr. Dumas,--The Petition of P. C. Phaneuf and others, Electors of the County of St. Hyacinthe.

By Mr. Notman,--The Petition of G. Wrong, Chairman, and W. B. Wrong, Secretary, on behalf of a Meeting of the Inhabitants of parts of the

Townships of Malakide and Bayham; the Petition of William S. Kanadu, on behalf of a Meeting of the Inhabitants of the Township of Bayham; the Petition of the Municipal Council of the District of London (House of Industry); the Petition of the Municipal Council of the District of London (Exchange of Bayham for Concessions in Nissouri); the Petition of the Municipal Council of the District of London (School Act); the Petition of the Municipal Council of the District of London (King's College); the Petition of the Municipal Council of the District of London (Land of Absentees); and the Petition of the Municipal Council of the District of London (Assessments).

By Mr. Egan,--The Petition of James Blackburn and others, of the County of Ottawa, and of others of the south bank of the River Ottawa in Upper Canada.

By Mr. Taché,--The Petition of Joseph Garon and others, of the County of Rimouski; and the Petition of Michel Larivé, of Ste. Luce, in the County of Rimouski.

By the Honorable Mr. Aylwin,--The Petition of François Normand, of the Banlieue of Three Rivers, and others, Master Carpenters, Builders, and Contractors for Wharves and Briâges; and the Petition of W. A. Townsend and others.

By Mr. Drummond,--The Petition of Ruggles Wright, of Hull, in the District of Montreal.

By Mr. Wetenhall,--The Petition of the Municipal Council of the District of Gore (Division of District); and the Petition of the Trafalgar, Esquesing, and Erin Road Company.

By Mr. Smith of Wentworth,--The Petition of the Municipal Council of the District of Gore, (School Act.)

By Mr. Chabot,--The Petition of Jean Langevin, of the City of Montreal, Esquire; and the Petition of the Honorable William Walker and others, Directors of the Quebec Gas Company.

By Mr. DeWitt,--The Petition of Joseph Watier and others, of the Parish of St. Timothée, in the County of Beauharnois.

By Mr. Burritt,--The Petition of the Municipal Council of the District of Johnstown (Division Courts.)

By the Honorable Mr. Robinson,--The Petition of William B. M'Vity, Clerk of the Peace for the District of Simcoe; the Petition of the Municipal Council of the District of Simcoe (Assessment Law); the Petition of the Municipal Council of the District of Simcoe (Assessment Rolls); the Petition of the Municipal Council of the District of Simcoe (Road from Barrie to Orillia); the Petition of the Municipal Council of the District of Simcoe (Elections); the Petition of the Municipal Council of the District of Simcoe (Fire-proof Offices); the Petition of the Municipal Council of the District of Simcoe (Administration of Justice); and the Petition of the Municipal Council of the District of Simcoe (Penetanguishine Road.)

Petition of the
Rector, &c., of
St. Paul's
Church, London;

Resolved, That the Petition of the Rector and Church
Wardens of St. Paul's Church, of London, in the
Parish of London, be referred to a Select Com-
mittee, composed of Mr. Wilson, the Honorable
Sir Allan N. MacNab, and the Honorable Mr. Robin-
son, to examine the contents thereof, and to report thereon with all con-
venient speed, by Bill or otherwise; with power to send for persons, papers,

and records.

Of L. Lawra-
son and others;

Resolved, That the Petition of L. Lawrason and
others, of the Town of London, be referred to
a Select Committee, composed of Mr. Wilson,

Mr. Merritt, and Mr. Cameron of Kent, to examine the contents thereof,
and to report thereon with all convenient speed; with power to send for
persons, papers, and records.

Of S. Wood
and others;

Resolved, That the Petition of Samuel Wood and
others, of Grantham and other Townships, in
the District of Niagara, be referred to a

Select Committee, composed of Mr. Merritt, the Honorable Mr. Boulton,
Mr. M'Farland, Mr. Thompson, and Mr. Smith of Wentworth, to examine
the contents thereof, and to report thereon with all convenient speed;
with power to send for persons, papers, and records.

Of D. Palmer
and others;

Resolved, That the Petition of David Palmer and
others, of the Township of Grimsby, in the
District of Niagara, be referred to a Select

Committee, composed of Mr. Merritt, Mr. M'Farland, and Mr. Thompson,

(23)

to examine the contents thereof, and to report thereon with all convenient
speed; with power to send for persons, papers, and records.

Of G. Chaper-
on, referred.

Resolved, That the Petition of George Chaperon, of
the Parish of La Baie St. Paul, be referred to
a Select Committee, composed of the Honorable

Mr. Laterrière, the Honorable Mr. Robinson, Mr. Christie, Mr. Cauchon,
and Mr. DeWitt, to examine the contents thereof, and to report thereon
with all convenient speed; with power to send for persons, papers, and
records.

Report on
Montreal Cor-
poration Peti-
tion.

Mr. Holmes, from the Select Committee to which
was referred the Petition of the Mayor, Alderman,
and Citizens of the City of Montreal, with power
to report by Bill or otherwise, presented to the
House a Bill to amend the Act 8 Vic. cap. 59, con-
solidating the provisions of the Ordinance to in-
corporate the City of Montreal, which was received
and read for the first time; and ordered to be read

Montreal In-
corporation
Bill.

a second time, on Friday next.

MR. AYLWIN⁵ rose and said, he had been authorized to make a statement
to the House⁶. ((He)) stated that the address of the House, on the speech
from the throne, had been this day received by His Excellency the Gover-
nor General,⁷ ((who)) in consequence of the vote of Friday last, had been
pleased to send for his Honourable friends, the member for Montreal and
Terrebonne, and the member for the 4th Riding of York, and had been gra-
ciously pleased to entrust in their hands the formation of a new Provin-
cial Administration. His Hon. friends were now engaged in executing their
duty to her Majesty⁸. ((He)) said it was customary on a change of Ministry

for the House to adjourn, to give hon. members time to prepare their plans;⁹ he therefore suggested that the orders of the day should be postponed, and moved that the House, at its rising, adjourn till Thursday at four o'clock.¹⁰

COL. GUGY--thought that time was not their own, and it ought not to be thus wasted, he wished very much to proceed with the Bill he now held in his hand, (Bill for the suppression of Intemperance,) and would wish it to be read as it was on the Orders of the Day.¹¹

MR. AT. GEN. SHERWOOD--said he did not see the House could proceed with business under the circumstances.¹²

SIR A. MACNAB--said, that as the Returning Officer for the county of Beauharnois had been in attendance at the bar since Sunday--¹³

MR. AYLWIN--No, Monday, the order was corrected.¹⁴

SIR A. MACNAB--Well then, since Monday; it was but just that he should be brought before the House immediately, and the case proceeded with or dismissed.¹⁵

MR. AYLWIN--had no objection that this case should be disposed of, if the other orders were postponed.¹⁶

MR. DRUMMOND--said, had he thought the case would have been put off from day to day, he would not have voted for the appearance of the Returning Officer.¹⁷ They owed it to Mr. Norval to proceed with this case immediately.¹⁸

The orders of the day were then postponed with the exception of the one summoning Mr. Norval to the bar.¹⁹

(23)

Adjournment.

Ordered, That when this House doth adjourn, it will adjourn until Thursday next, at four o'clock,

P.M.

Beauharnois
Election.

The Order of the day for the attendance of R. H. Norval, Esquire, Returning Officer at the late Election for the County of Beauharnois, at the bar of this House, being read;

And the House being informed that Mr. Norval attended at the door, he was called in; took his seat at the bar, and,²⁰

MR. AYLWIN--rose and said, that having made the motion under which the Returning Officer for the County of Beauharnois was at the bar, it was incumbent on him to follow up that motion with such a course as should enable the House to decide whether the course which he had pursued was consistent with his duty, and, if otherwise, what punishment it should mete out to him. And, in doing so, he should pursue the course which had been marked out in the great case of privilege in the House of Commons in relation to the publishing of printed papers, and he proposed to put to the Returning Officer four or five questions, the answers to which would guide him in his subsequent course.²¹ If he answered them satisfactorily, as nodoubt he would, he should be the last man to wish to

censure him; but if otherwise, it would then be time for him to consider what course he should adopt.²² The first question he desired to ask, through the Speaker, was--Are you the Returning Officer to whom the writ of election for the County of Beauharnois was directed at the last general election?²³

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at the bar, the following Question was proposed to be put to him:

Are you the Returning Officer to whom the Writ of Election for the County of Beauharnois was directed at the last General Election?--

SIR A. MACNAB--apprehended that the course pursued by the hon. member for Quebec on this occasion was very unusual, and one for which he could find no precedent. In the first place, it ought to have been noticed that Mr. Norval was at the bar and reported to the House by the Speaker.²⁴

MR. MORIN--It has been reported to the House.²⁵

SIR A. MACNAB--In the next place, the hon. gentleman had spoken of the punishment which would be awarded to the gentleman at the bar. Now, he should like to hear of the hon. member whether--²⁶

MR. AYLWIN--rose to order.--His hon. friend had misunderstood him. He had said if the answers of the Returning Officer were unsatisfactory, he should then conceive it is only his duty, etc...²⁷

SIR A. MACNAB--next contended that the House ought first to have resolved that Mr. Norval had been guilty of a breach of the privileges of the House. He thought there was no precedent in which a Returning Officer was called to the bar and questions put to him in order to make him criminate himself out of his own mouth. He contended that there was no charge against this Returning Officer.²⁸ ((He)) asserted that the Returning Officer could answer the questions put to him or not, just as he pleased.²⁹ ((But)) any questions that are put to him, his refusing so to do will be contempt of this House and he will be committed; he thought it unprecedented either in Civil or Parliamentary Law to bring a man up to the Bar without a charge, or a shadow of one--and without telling him what their intentions were, or charges, attempt to convict him out of his own mouth.³⁰ It was no charge for an hon. member to rise in his place and accuse Mr. Norval of acting improperly. A charge ought first to be recorded on the Journals of the House against Mr. Norval,³¹ and then this House ought, after charges were made, to retire and decide on its course;³² and could proceed to put questions to him. He (Sir Allan MacNab) had looked into many precedents, but could find none for the course now pursued. A Returning Officer had never before been summoned to the bar until the House had decided that he had been guilty of contempt of the House or breach of privilege. Under these circumstances he thought the Returning Officer ought to leave the bar, and the House ought to decide on the charge to be brought against him.³³

MR. AYLWIN--said, he had followed exactly the course pursued by the House of Commons in the case of Hanside.³⁴ He could not imagine why the hon. member for Hamilton, with his Parliamentary experience, should

be surprised at the course which he was pursuing.³⁵ None could be inclined to view more favorably the conduct of Mr. Norval, if his answers were such as he thought they would be. He had taken the initiative in this case, seeing his name opposite the order of the day; and to him, there was nothing strange in a man being judge and overseeing a Court.³⁶ If the answers of the Returning Officer were such as he anticipated, he would be found guilty only of an error of judgment. He (Mr. A.) was surprised at the expression that had fallen from the hon. member for Hamilton. The gentleman was not there before the House as an offender; he was not in custody of the Sergeant at Arms;³⁷ he was there merely to answer to this House for something suspicious in his conduct; his answers need not criminate himself--on the contrary, they might be of such a nature as to show that he had committed no offence; and if such were the case, he (Mr. A.) should be prepared to move for his discharge. (Hear, hear.)³⁸ No member of the House would feel greater pleasure than himself if his answers to the questions that might be put to him were such as to acquit him of any dishonorable intention. He was truly sorry that a case of this kind had had occasion to be brought forward in Canada. The hon. member for Hamilton had said he could find no precedent in all his researches for a case of this kind. He would be surprised if he could. No case of this kind, to his knowledge, had ever occurred³⁹. It had come under the knowledge of this House, that the Poll-Books had been destroyed, and the returns were incomplete, and the Returning Officer had been summoned to the Bar of the House⁴⁰. It was too late for the opposition of the hon. member for Hamilton⁴¹, but now the gentleman was before the House, it was necessary either to acquit, to censure, or to punish him; he was not summoned here to make his bow and withdraw⁴² but to answer such questions as would enable the House to decide whether he had done wrong or not.⁴³ The House had decreed that he should appear, and the case must now be dealt with as such cases usually are. He trusted Mr. Norval would be able to give such explanations as would satisfy the House.⁴⁴

MR. AT. GEN. SHERWOOD--opposed further proceedings in the case. There was no charge preferred against the gentleman who had been summoned before the House; he was merely brought to the House to be told that "he ought to do better another time." What was he to answer?⁴⁵ ((He)) opposed the motion for bringing the Returning Officer to the Bar, because the hon. member for Quebec in making the motion had said, "I have no charge to make against this Returning Officer, no charge of corruption, no charge of improper or willful misconduct, but I think he has made a mistaken return, and ought to be brought to the Bar to be told of it."⁴⁶ When he (Mr. Sherwood) gave his vote against the proceedings of the majority in the Beauharnois Election, he was opposed by the member for Hastings, who said, that was the cause why they (the Government) would lose his vote; why did Mr. Aylwin say at the time, that he had no charge to make, but now he comes down in the plenitude of power, and, allowing he has no charge of complaint against the Returning Officer, wishes him to answer every question he may put, and try to criminate him out of his own mouth.⁴⁷ Let them establish their charge, resolve that he had been guilty of a breach of the privileges of the House, but till that was done, they had no right to bring the man there. What had they to say against him? What

complaint had they to make against him? How was the Returning Officer to defend himself? Not a charge, not a pretence of a complaint, and yet he was placed at the Bar to answer certain questions to make him criminate himself. They had no charge against him but what they would get out of his own mouth by their inquisitorial questions. It was monstrous, it was contrary to the first principles of English law⁴⁸. ((He)) defied the member for Quebec to produce a similar case; and maintained that the proceedings of no Parliament could present a parallel⁴⁹. The case for Hanside⁵⁰ ((which is)) the one the member for Quebec speaks of⁵¹ was no precedent;⁵² there was a charge against...((those)) who were brought to the bar, of a breach of privilege, and they defended themselves⁵³ through Counsel,⁵⁴ but here they had no charge, no complaint. First prove that he had been guilty of a breach of privilege, something that he could be punished for, then summon him to the bar, arraign him, and punish him if they would.⁵⁵ You bring the Returning Officer to the Bar of the House; put inquisitorial questions; and in whose custody is he placed? he is placed, as a criminal⁵⁶ charged with something wrong⁵⁷, in charge of the Sergeant at Arms,⁵⁸ and no one can tell him for what!⁵⁹ Dare he, can he, leave that Bar? No, Sir.⁶⁰

MR. AYLWIN, interrupting (sic)--He is not a prisoner.⁶¹

MR. AT. GEN. SHERWOOD ((continued))--He had not heard what offence he had committed. How then could he defend himself? They wanted to drawn (sic) from him by questions something that would criminate him. If this inquisitorial power was exercised by the House, he, for one, should exceedingly regret that such a thing was never done in a civilized country before⁶². I ask this House, if that is a mode of treating an Officer of the House, or a gentleman, or any free man, to arraign a man at the Bar of the House without any specific charge or complaint? and he defied the hon. member for Quebec to show a precedent for what he was doing.⁶³

SIR A. MACNAB--So do I.⁶⁴

MR. AT. GEN. SHERWOOD--No, he could not doubt such a proceeding was unknown in the history of Parliamentary proceedings, or of any civilized country.⁶⁵ In the case of Hanside, which was quoted as a precedent, a direct charge had been made.⁶⁶

COL. PRINCE--agreed with every word that had been spoken by Mr. Sherwood and Sir Allan MacNab⁶⁷ that this was a wrong course of procedure.⁶⁸ ((He)) allowed that great injustice had been done to Mr. Norval, and he was brought here without a charge against him. But, Sir, that Returning Officer must give way, as he is in a minority,⁶⁹ like many members of the House, who were in the hand of the Philistines.⁷⁰ (Laughter.) It was no use to kick against the bricks. (Laughter.) He must make a virtue out of necessity, and he advised him to remain where he was, and answer without any meekness and submission the questions which might be put to him, at the same time he trusted his hon. and learned friend the member for Quebec would see the error of his way and abstain from putting these questions. (Hear.)⁷¹ He advised his hon. and learned friend from Quebec not to...attempt to make him criminate himself, although he had heard Mr. Norval

was the man most likely of all men to do so; still his hon. and learned friend must know that first principle of justice was never to induce a man to commit himself.⁷² He thought he ((Mr. Norval)) had done wisely in answering the summons, but had he (Col. Prince) been summoned in like manner, he would not have come; and then the Speaker's warrant would have been issued to enforce his attendance, and in that case he would have entered an action against him in a higher court, and obtained damages for infringing the liberty of the subject.⁷³

MR. HINCKS--had been astonished at the remarks of some of the hon. gentlemen who had addressed the House. It might really be supposed that there had been nothing in the conduct of this Returning Officer which could possibly call forth the censure of the House. What were the facts of the case? This Returning Officer had held an election in the County of Beauharnois, and this House had unanimously decided the return made at that election to be false.⁷⁴

Loud cries of hear, hear, and no, no.⁷⁵

MR. HINCKS ((continued))--Yes, that return had been pronounced to be a false return (hear, hear,) an improper return. The House had unanimously declared that the hon. member for Beauharnois ought to have been returned as the sitting member. He did not mean to prejudge this question, he did not mean to say that the Returning Officer had acted corruptly in making this return, but that he had made one which he ought not to have made, no hon. member could deny.⁷⁶ Mr. Hincks would not look into precedents;⁷⁷ the House having harmoniously decided that the return was improper, the Returning Officer was called here to answer why he had made it. He might have taken legal advice, he might be able to show to the House, in answer to the question put forth by the hon. member for Quebec that he had acted to the best of his judgment on the occasion and had not been activated in any way by improper motives. What the House would decide in that case it was not for him (Mr. H.) to anticipate, but he was sure that no hon. member would be disposed to act with severity towards him.⁷⁸ He did not mean to act as judge--⁷⁹

Laughter from the Ministerial Benches.⁸⁰

MR. HINCKS ((resumed))--and the Returning Officer is here to answer any questions we may put to him.⁸¹ The hon. member for Quebec had already disclaimed any intention of proceeding harshly towards him, but it was perfectly clear that if he had made an improper return he ought to be made to answer why he had made it. (Hear, hear.)⁸²

COL. GUGY--would suggest to the House that there was such a thing as a Habeas Corpus Act--such a thing as an Act for the protection of the subject, when his rights were attacked. Taking this view of the subject, he would like to ask the hon. gentlemen what they would have done if the gentleman at the bar⁸³ had not seen fit to obey their summons⁸⁴? This House, in the "plenitude of its power", had ordered Mr. Norval to appear at the bar. If Mr. Norval had seen fit to treat the order with

contempt, there would have been an order to Mr. Speaker to issue his warrant; and what would have been the reason assigned in that warrant? The apprehension of Mr. Norval? For what grounds could they have attacked the personal liberty of Mr. Norval? How would the officer have dared to violate the sanctity of his person without assigning a reason for it? If they had no reason to assign for bringing him there, how could they detain him? He was there to evince his respect--his deference--for the House;⁸⁵ because he had the consciousness of having acted uprightly.⁸⁶

Ironical cheers from MR. CAUCHON.⁸⁷

COL. GUGY ((continued))--The hon. member for Quebec has a happy knack of trying to laugh down people, but he has yet to know that ridicule is not the best of remedies.⁸⁸

MR. AYLWIN--rose, thinking the honorable member for Sherbrooke alluded to him⁸⁹.

The hon. member for Sherbrooke, COL. GUGY, explained--what he said he intended to apply to Mr. Cauchon.⁹⁰ ((Mr. Norval)) was here of his own accord; where, had he so chosen, no lawful power could compel him to stand...He spoke in high terms of the character of Mr. Norval, from general report; although he was a comparative stranger to himself--he having seen him but three or four times, and he thought it unworthy of the assembly to detain that gentleman a moment longer.⁹¹ There was nothing morally wrong in the conduct of this returning officer; at most, it was merely an error of judgment. The gentleman was returning officer for the first time; he found novel incidents--incidents not novel indeed upon the banks of the Liffey or Shannon, but of which there was no precedent on the banks of the St. Lawrence--a robbery of that which was of the last importance to the rights and liberties of Her Majesty's subjects. It was natural that under such circumstances he should feel ill at ease, and unwilling to venture on a question of such importance; so he had stated the facts, and left the House to decide in the case.⁹² He ((Mr. Norval)) had really no better knowledge of the law. Why if all men knew the law, how could so many members of this House have attained wealth and eminence?⁹³ The hon. member for Oxford had used a very harsh and unjustifiable word in censuring this gentleman as having been guilty of making a false return. The return could scarcely have been false when he stated the facts as they occurred.⁹⁴ ((Il dit)) que cet officier a fait son devoir, qu'il a rapporté que M. DeWitt avait la majorité, c'est un rapport vrai. La chambre n'a fait que corriger une erreur de jugement que tout le monde eut pu commettre.⁹⁵ Why, under his return you have given Mr. DeWitt his seat, and if he had committed an error of judgment, are we all so perfect as to commit none?--and does this House, in the plenitude of its power, charge the want of legal knowledge as crime?⁹⁶ He submitted therefore to the hon. member for Oxford, that he made an insufficient, not a false return.⁹⁷ He would ask the honorable member for Quebec to recall the question he had put to Mr. Norval, as, no doubt, he felt confused, and it was well he should know what questions were to be put to him before he appeared at the Bar.⁹⁸

He suggested that the hon. member for Quebec should read the motions he intended to make⁹⁹ in order that Mr. Norval might be prepared to answer them, and that the House may decide whether or not they were relevant.¹⁰⁰ If they were such as he had commenced with, the House might acquiesce in them; if they were such as to tend to lead the gentleman to criminate himself, the House should resist the attempt. Those taking this same view of the matter as he did, should join with him in requesting that the motions might be read.¹⁰¹

MR. DRUMMOND--ne peut excuser sans explication la conduite de M. Norval.¹⁰² ((He)) said, that he thought in the kindness of his heart the hon. member for Quebec had made a slight error in saying that he was inclined to release the Returning Officer. If he thought he so intended, he should not have voted with him.¹⁰³ ((He)) said a slight error had ((also)) been made by the honorable member for Sherbrooke, because the Returning Officer being at the Bar of the House, was prima facie evidence that Mr. Norval had disobeyed the law, but he¹⁰⁴ was disposed to be more lenient than the hon. member for Toronto. He was not for passing a resolution that Mr. Norval had been guilty of a breach of privilege until he had the opportunity of explaining his conduct.¹⁰⁵ The hon. members for Toronto and Hamilton wished to criminate him by bringing a charge of guilt against him from the House.¹⁰⁶ There was a strong presumption that Mr. Norval in disobeying the laws, had done wrong, and he ought to have an opportunity to explain it. It was supposed by hon. members, that when a person was brought before the House, he was brought there for punishment. It was not so. He did not take it for granted that Mr. Norval had done wrong, on the contrary, there was merely a strong presumption that he had disobeyed the law, as the law was so clear¹⁰⁷ sur ses devoirs qu'il n'est pas excusable de s'être trompé ayant pris la responsabilité de son emploi¹⁰⁸ ((and)) that few men would mistake it. There was a strong presumption that Mr. Norval had acted improperly; and having this presumption he (Mr. D.) had no hesitation in requiring that he should be brought to the bar, not to be charged with having committed a breach of privilege, but to exculpate himself.¹⁰⁹

SIR A. MACNAB--From what?¹¹⁰

MR. DRUMMOND--From the suspicion which has been raised against him. (Hear, hear.) Hon. gentlemen were under the impression that Mr. Norval had been brought there as a prisoner. He denied it; he did not consider that he was in that position. What he maintained was, that there was a strong presumption against him, and that it was an act of mercy to bring him there and give him an opportunity of exculpating himself before the House and the country.--(Ironical cheers.)¹¹¹ He would be the last to wish that any questions should be put to him tending to implicate him¹¹², and if one single question was put to Mr. Norval tending to make him criminate himself, he would be the first to protest against it.¹¹³

SIR A. MACNAB--thought that although the privileges of the House were great, the privileges of Mr. Norval were equally great¹¹⁴. Mr. Drummond had said that this House had no right to convict Mr. Norval out

of his own mouth, and he would say the case quoted by Mr. Aylwin was against him. It was a case of the breach of privilege of the House, and are we, because we have the right to drag any man from the east or west of this Province, and place him at that Bar, and without any charges against him, tell him he must answer any questions put to him.¹¹⁵ They had no right to bring him there to criminate him out of his own mouth. What charges were there on the Journals of the House against the individual at the Bar? None at all. Everything there was in his favour. He had plenty of authorities to show that before the returning officer or any other man could be brought to the bar, a charge must be brought against him and entered on the Journals¹¹⁶ then read to the accused party, who must be called upon for his defence.¹¹⁷ The hon. gentleman had said there was a suspicion against Mr. Norval, and they would send for him wherever he might be, bring him to the bar of the House, and convict him out of his own mouth--(No, no,)--and then punish him. Was that the justice which the House would desire to extend to the people of this country? The people of this country understood their rights and privileges as well as the people of that House; and though this was but a trifling matter to the individual at the bar, it was an important one to the people of this country¹¹⁸. He maintained it was a trespass on the rights and privileges of the people of this country, and this House might not proceed¹¹⁹ in it in the manner proposed. What were the resolutions in regard to this matter found in the Journals of this House? He would read them:--"Resolved, 1. That it appears by the return of the Returning Officer appointed to preside at the last Election in the County of Beauharnois, and the Poll-Books transmitted with the said return, that at the close of the said Election, Jacob DeWitt, Esq., one of the Candidates, had a majority of votes." Where did they get the information that Mr. DeWitt had a majority of votes? Did not they get it from the information communicated to them by the Returning Officer? Did not he communicate facts sufficient to enable the House to give Mr. DeWitt his seat without further enquiry? "Resolved, 2. That the said Jacob DeWitt, Esq., ought to have been returned at the said Election as Knight Representative to serve for the County of Beauharnois in the present Parliament."--Where, too, did they get the information upon which they had arrived at this conclusion? Was it not from the return made by Mr. Norval? Was there anything corrupt in that? Had he not furnished the information which enabled the House to give Mr. DeWitt his seat?¹²⁰

MR. DRUMMOND--He ought to have done it himself. (Loud cries of hear, hear!)¹²¹

SIR A. MACNAB--did not think so; he thought this was a correct and proper return; he did not think Mr. Norval could have gone further than he had done under the circumstances. This was a most arbitrary proceeding of the House--a proceeding, too, which could be understood through the length and breath of the land.¹²²

Loud cries of hear, hear, from the Opposition.¹²³

SIR A. MACNAB ((continued:))--"Resolved, 3. That the seat in the House as Representative for the said County of Beauharnois, saving, however, to all candidates and electors, the right of contesting the said election as they think proper, in such manner as to law and justice may appertain, and according to the usage of Parliament."--Was not that information derived from Mr. Norval's return?--"Resolved, 4. That the Clerk of the Crown in Chancery do forthwith appear before this House, and amend the return of the said County of Beauharnois, by stating that at the said election the said Jacob DeWitt, was duly elected to represent the said County of Beauharnois." Now, did it appear from the Journals of the House that any investigation was made, any Committee appointed, any report presented? None at all. Where, then did they get the information which enabled them to resolve "that the Clerk of the Crown in Chancery should amend the writ?" The same answer--they had got it from Mr. Norval.¹²⁴ He would repeat, there was no charge against Mr. Norval, and the House of Commons had decided that you cannot put such questions as would convict a man out of his own mouth¹²⁵. He defied the hon. gentlemen to show that an individual had ever been brought to the bar of this House of Commons or of the House of Assembly of the Upper Canada. He could not speak as to Lower Canada, without first some charge having been made against him and recorded on the Journals of the House. This was the very first instance he had ever heard of, of any individual being summoned from a distant part of the country, brought to the bar of that House without any charge being brought against him; and convicted out of his own mouth; this was not British justice, and if they persisted, by the arbitrary power of a majority, in pursuing this course, they would bring great discredit on the House.¹²⁶

(23)

And a Motion being made by Sir Allan N. MacNab, seconded by Mr. Gugu, and the Question being put, That Robert H. Norval, Esquire, Returning Officer at the late Election for the County of Beauharnois, having appeared at the bar of this House, in obedience to the Order of this House, and there being no charge before this House against him, the said R. H. Norval, Esquire, be discharged.

COL. GUGY--compared the present proceedings to those of the reign of terror during¹²⁷ the tribunals of the French Revolution¹²⁸ quand la guillotine était en permanencel¹²⁹ when people were accused, brought to trial and condemned--sous soupçon d'être soupçonné--under suspicion of being suspected.¹³⁰ (Laughter.)¹³¹

MR. AYLWIN--was really surprised at the course which had been pursued by a number of his hon. and learned friends¹³² of the Opposition.¹³³ A great deal of warmth¹³⁴ which this did not require¹³⁵ had been shown.... The hon. member for Hamilton upon this occasion spoke very much as one who had never been within the walls of Parliament--as one who knew nothing at all about Parliamentary precedents.¹³⁶ He spoke of this case as one unprecedented, and his conduct as inexcusable.¹³⁷ The hon. member was "astonished that such a course being pursued"; he considered it "a great invasion on the liberties of the subject".¹³⁸ He would tell the House in

what way this case differed from all other cases, that was in the lenient way it had been dealt with, and has the honorable member never heard that this House might designate this offence as a high breach of its privileges? The hon. member ought to know more of Parliamentary law than he did, and although the course which the House pursued was unprecedented, he considered they were perfectly justified in their proceedings.¹³⁹ Another hon. gentleman had asked if the Returning Officer had not chosen to appear, in what way would they have proceeded against him? Difficulties of all kinds and description had been raised and the question was argued at first as if it had not been already determined on. A great deal has been said which would have been perfectly relevant before the motion was agreed to, that the Returning Officer should appear at the bar, but when it had been ordered that he should appear at the bar, to what purpose was it that gentlemen got up and declared that there was no reason for doing so? In conclusion, he quoted several precedents to justify the course he was adopting.¹⁴⁰ Dans le précédent anglais qu'il a cité il y a beaucoup de similitude, on a traité l'officier-rapporteur avec beaucoup d'égard avant de le faire paraître. On a paru prétendre qu'il faudrait que la chambre le déclarât coupable avant de l'avoir entendu. Cette conduite serait assurément plus barbare que celle qui se suit. On a parlé de la révolution française. Mais y a-t-il quelque chose de révolutionnaire dans la motion devant la chambre? Si c'est le cas, on peut l'appeler révolution britannique car elle est basée sur des précédents anglais.¹⁴¹

MR. INSP. GEN. CAYLEY--contended that Mr. Norval was most unconstitutionally placed at the bar of the House both as...defendant¹⁴² ((and)) witness, too, on a case where¹⁴³ ((he)) was called upon to answer questions by which he was to condemn or expose himself. It was a most unjust proceeding¹⁴⁴. The question he was prepared to raise was, how far the House could oblige Mr. Norval to commit himself?¹⁴⁵ Could he be allowed to criminate himself? (Here the honorable gentleman cited the celebrated great Yarmouth Case, which occurred in the House of Commons; and in which it was decided that no man be questioned to criminate himself, by a majority of 113 to 65.) The point then was, would the House allow the gentleman now at the Bar to criminate himself?¹⁴⁶

MR. AYLWIN--No, no, to excuse himself.¹⁴⁷

MR. INSP. GEN. CAYLEY--But there is no charge against him. Had there been a charge it might have been right that he should excuse himself, and he would have had counsel allowed for his defence. He objected to the question being put.¹⁴⁸

MR. H. BOULTON (Norfolk)--did not think a question could come before the House of greater importance than one affecting their purity¹⁴⁹ especially on matters¹⁵⁰ vindicating their privileges in cases of purity of elections. (Hear, hear.) He was disposed to go a little further than the hon. gentleman who had moved this question. He thought there was a charge against the Returning Officer¹⁵¹ for Beauharnois¹⁵². (Hear, hear.) He would not have voted for bringing him to the bar of the House if there had not been a charge. (Hear, hear.) But there was a charge;¹⁵³

he thought the resolution of the House for bringing the Returning Officer was proof that a charge existed¹⁵⁴; they had established the charge against him in seating the hon. member for Beauharnois--viz., that he had acted contrary to law. (Hear, hear.) It was his duty to have returned the man who had the most votes¹⁵⁵ and he appealed to the House if such was not the case. If the Returning Officer had acted rightly, had they acted rightly; for finding he had not done his duty, had they not directed their clerk to do it for him.¹⁵⁶ He did not charge the Returning Officer with acting corruptly, but with neglecting his duty; only his answers would prove whether that neglect had arisen from an error of judgment or not.¹⁵⁷ He would punish no man for an error of judgment; but he thought no man, presuming he had intelligence and other qualifications for his office, which a Returning Officer should possess, could have judged so preposterously. Many men very innocently committed breaches of privilege; but no House ever punished them for that. He once thought the House should have declared the charge previous to the appearance of the Returning Officer at the Bar, but did not think so now, and he was surprised Sir Allan MacNab should have said there was no instance of a contrary proceeding. The honorable gentleman cited the case of Stockdale and Hansard in the British Parliament, and contended in that case there was no charge.¹⁵⁸

SIR A. MACNAB and MR. AT. GEN. SHERWOOD--There was a petition.¹⁵⁹

MR. H. BOULTON--But, I say the petition contained no charge. He admitted no man could criminate himself. It was allowed by the law of the land, and this House should not set itself above the law of the land. It so happened that he was in England and heard all the debate on the "Great Yarmouth case," cited by the hon. member for Huron, on which case the Solicitor-General voted against his party. He thought questions could be put preliminary to making a charge. If the answers should prove that the Returning Officer knew how many votes the sitting member had, he should desire to know why he did not return him. If he could then give any reason why he justly thought why he was right; he would say no more upon the subject, but would have him admonished to do better in future. Hon. members might say that was no punishment. He thought it was. It was evident the Returning Officer at the Bar had not understood his position, and he ought to be told so, for the sake of other Returning Officers, that none should act like him; that they should be told, it was their duty to act¹⁶⁰ according to the law¹⁶¹, and not think.¹⁶² He thought that these questions might be very properly put, but it was for the Returning Officer to decide whether he would answer them or not.¹⁶³

MR. HINCKS--trusted that there was no desire on the part of any hon. members of this House to smother inquiry into the conduct of this Returning Officer (loud cries of hear, hear;) but that hon. members only desired that ((they)) should proceed fairly on the matter. There was a strong feeling throughout the country against the conduct of these Returning Officers¹⁶⁴; there justly existed a great prejudice against them, for in the late Election they had been partizans¹⁶⁵. It was to

be recollected that the Returning Officers were appointed at the pleasure of the Executive Government, and it happened that at the late elections some extraordinary returns had been made, for the benefit of parties that supported that Government. (Hear, hear.) With these facts before them, he trusted the gentlemen who occupied the Treasury Benches would see the propriety of allowing that there should be a fair enquiry made. It seemed to be objected by hon. gentlemen who had spoken, that there was no charge made against this Returning Officer.¹⁶⁶ Was it no charge against the Returning Officer for the House to decide that he had made an improper return, and if the return in question was not improper, he did not know what an improper return was. Justify the conduct of this one, and you would justify all the others.¹⁶⁷ The fact was, that in consequence of his hon. and learned friend, the member for Quebec, having adopted a very lenient course of proceeding an attempt has been made to prevent the examination of the Returning Officer at all. The hon. and learned member for Hamilton asked where they had got the information upon which they had placed the hon. member for Beauharnois in his seat. Why, in this way they might justify the conduct of the Returning Officers for Oxford, Kent, or any other case. Where did they get the information in all these cases, but from the poll books? He would suppose a case of a Returning Officer, after taking a poll, and one candidate appearing to have a majority of 500 or 1,000, without assigning any reason, returning the person in the minority (hear, hear), were they to be told that because that Returning Officer had furnished them with the poll books, containing the information which would enable them to amend the return, they could not punish him? (Hear, hear.) There was not a person in the House who desired that this Returning Officer should criminate himself--on the contrary, they wanted him to excuse himself, to explain the reasons why he did not do what this House had decided that he ought to have done. The hon. member for Sherbrooke had referred to some expression used by him when last he addressed the House: he had said the term "false return". In making use of that expression, he (Mr. H.) had meant nothing offensive. He was quite as desirous as any other member of the House of obtaining an explanation from the Returning Officer, and adopting a lenient course, if he could account for his conduct in the return; but he felt that the people of this country required that there should be a full inquiry made into these cases (hear, hear)¹⁶⁸ and he was prepared to vote that their wishes should be granted. The honorable member for Essex had stated that if Mr. Norval had attended to his advice, he would have refused to attend at the Bar of the House, and if compelled by force to do so, would have had good grounds for an action of damages against the Speaker, but this was dangerous advice, for as long as he had a seat in that House, he would vote to maintain its privileges.¹⁶⁹

SIR A. MACNAB--would always be ready to maintain and assert the privileges of the House because those privileges were in fact the privileges of the people, but he thought that in this case the House was guilty of a gross infringement on the liberties of the people in bringing a man to that Bar and convicting him out of his own mouth. The hon. mem-

ber for Oxford had said that there was a strong feeling throughout the country against these Returning Officers. (Hear, hear.) Did the hon. gentleman participate in that feeling?¹⁷⁰

MR. HINCKS--:hear, hear.¹⁷¹

SIR A. MACNAB--Then, Sir ... the hon. gentleman should not sit in as a judge of any Returning Officer, but leave these matters to be decided by men not influenced by personal feelings.¹⁷² The hon. member has not right to remain in that seat¹⁷³ to vote. (Ironical cheers.) The hon. gentleman himself had some difficulty to encounter in Oxford from a Returning Officer;¹⁷⁴ he admits he shares the prejudices of people out of doors against Returning Officers, and he would best consult the honor and dignity of the House,¹⁷⁵ and his own position if he would retire before the decision of this question.¹⁷⁶

MR. HINCKS--I don't think so.¹⁷⁷

SIR A. MACNAB--thought that upon reflection he would do so. (Laughter.) If he (Sir A.) were brought to the Bar of that House¹⁷⁸ as a criminal,¹⁷⁹ he would not enter upon any defence with that degree of confidence which a man ought to feel in making a defence before any tribunal, after hearing one of his judges express the opinion that the hon. member for Oxford had expressed. (Hear, hear.)¹⁸⁰ At all events, he should know he had little chance of an impartial trial. He had listened with some astonishment to the member for glorious old Norfolk, (he believed that was the name of the county,) and thought, from his great legal knowledge, he ought to have had little difficulty in selecting better cases to support his opinion than those he had done. However, there were the legal luminaries of Norfolk and Quebec, in favor of the present course of proceeding. He would point out the course followed in the House of Commons; it first resolves that the accused party has been guilty of a breach of privilege, it then sends him a copy of the charge, and confers on him the right to appear by Counsel; but this was not the course this House was going to pursue, although he should hardly bring himself to think that any Court, especially the high Court of Parliament, would desire to convict men out of their own mouths. He had some precedents in support of his opinions, but would not longer take up the time of the House. There were plenty of cases in point, and he believed that if the House proceeded in the way they proposed, they would regret it; they were establishing a precedent against the dearest rights of the people, against the privileges of the House, and committing a great infraction of the liberties of the subject.¹⁸¹ He again urged the House to return to British practice.¹⁸²

MR. HINCKS--rose to explain. He had been charged by the hon. member for Hamilton with being unable to vote upon this question with impartiality; perhaps he could not, but¹⁸³ he was quite as well fitted to give an impartial decision as the gentlemen on the Treasury Benches, who had themselves appointed these Returning Officers--who had in several cases advised them to make the returns they had made--and who had most shamelessly gone there to-night and on previous occasions and endeavoured to

screen their improper conduct from investigation.¹⁸⁴ (Hear, hear.)¹⁸⁵ ((He)) said he could prove the Returning Officers had acted under the advice of Ministers of the Crown.¹⁸⁶

MR. AT. GEN. SHERWOOD--utterly denied that Ministers had advised Returning Officers.¹⁸⁷

MR. DRUMMOND--I state it, as a fact, that a member of the Government advised the Returning Officer in my county. (Cheers.)¹⁸⁸

MR. AT. GEN. BADGLEY--said it was not true.¹⁸⁹

MR. HINCKS--I state it, as a fact, that it was so in my county. (Cheers.)¹⁹⁰

MR. DRUMMOND--sympathized fully with the remarks of Mr. Hincks¹⁹¹. I state it again, as a fact, that the opinion of the Attorney General East was given to the Returning Officer of the County of Shefford, and was hawked over the whole county, (Hear, hear.)¹⁹² advice...quite illegal, and most prejudicial to his (Mr. D's) interest¹⁹³, and he could bring the whole County of Shefford to prove it.¹⁹⁴ I put it to the Attorney General to deny that fact if he can.¹⁹⁵

MR. AT. GEN. BADGLEY--said he knew nothing of any opinion that might be alluded to, but he denied having advised any Returning Officer as to the course he should pursue in any contested Election.¹⁹⁶ I state to the hon. gentleman that I did not advise the Returning Officer for the County of Shefford.¹⁹⁷

Cheers from the Treasury Benches.¹⁹⁸

MR. AT. GEN. SHERWOOD--denied the charges the hon. member for Oxford had brought against Ministers.¹⁹⁹ ((He)) denied that ministers had come down there to defend the conduct of these Returning Officers.²⁰⁰ The Ministry had not come there to screen anyone from merited censure--all they sought was that justice should be done.²⁰¹ He had said nothing about advising or not advising Returning Officers.²⁰² He did not come down to this House to oppose enquiry²⁰³. For his own part,²⁰⁴ he certainly had given one opinion to the Returning Officer for the Third Riding of York,²⁰⁵ but as a friend,²⁰⁶ and that was, that he should return the person having the majority of votes; but people vary in their judgments, and others might differ from him. He was not screening, or attempting to screen Mr. Norval from any consequences which might result from his act; he was not defending the course he had pursued;²⁰⁷ he was acting for the protection of the inhabitants of Canada generally. They had no right to pursue the course they were now pursuing²⁰⁸ against any person in Canada²⁰⁹, it was unprecedented in the annals of the British or any Canadian Parliament.²¹⁰ They had no right to arraign anyone at the Bar of that House unless they could say to him:--Sir, you are brought up here to answer this or that charge; and he defied any hon. member to produce a case to justify such a proceeding.²¹¹ The hon. member for Norfolk, "glorious old Norfolk,"²¹² who was returned by the overwhelming majority of four²¹³--

Cheers and laughter from the ministerial side.²¹⁴

MR. AT. GEN. SHERWOOD ((continued:)) maintained that this was the right course to pursue. He would ask the hon. gentleman if, when he was brought to the Bar of the House of Assembly of Upper Canada,²¹⁵ to answer for an offence against their privileges, there was no charge against him. Was not the precise charge stated against which he had to defend himself?²¹⁶ Was not ((the charge)) read to him that "Henry John Boulton, Esq., Solicitor General for Upper Canada had been guilty of a breach of the privileges of the House" (hear, hear, and laughter) and...was not ((he)) asked if he had anything to say in his defence.²¹⁷ What followed was no matter; only the House did not think the defence sufficient; that's all. Mr. Norval might ask, "I desire to know why I am brought here as a criminal, before I answer one word?" The majority of course might compel him to answer their questions; they might make him a martyr; but it would be one of the most unjust, and of the most objectionable proceedings that ever emanated from any, even the lowest Judicial Court in Canada, or in the world.²¹⁸ The hon. member for Norfolk said that there was a charge, that the fact of the House having thought fit to put Mr. DeWitt in his seat was a sufficient charge against him. That was no charge; he himself had voted for putting Mr. DeWitt in his seat, but because he thought that he was entitled to it, not because the Returning Officer had done wrong.²¹⁹ But there was no charge made by any party against the Returning Officer of doing intentional wrong in making an opposite return.--What would Mr. Norval's answer be to any questions that could be asked? "I thought myself right in reporting exactly what had occurred; I concealed no fact; I erred, I might have been more correct; but in doing what I did, I thought I was right." And such answers would, and must, be satisfactory to the House, for not any member has presumed to say the slightest imputation of guilt attached to Mr. Norval in making the return he did. Why then detain him at the Bar of the House? Why establish so monstrous a precedent? Why, because hon. gentlemen opposite had got into error at their start, and were unwilling to remedy it at this period of the discussion. Let them think better of this proceeding, let them have some little sense of honesty and justice; if they have erred; if they find that they are wrong, why do they not at once discharge the gentleman they have so unjustly brought to the Bar? The Speaker has it not in his power to say there is any charge against him. What an absurdity then, to keep him there! There is no place in the world but this where such a proceeding would be tolerated. It is contrary to reason; it is contrary to justice; contrary to the high spirit of our Criminal Law. He never saw, never could have imagined such a departure from the high principles of²²⁰ the British Constitution²²¹ as the course the majority purposed pursuing that night. They might go into the library, they might search the books, they might ransack the thousands of volumes to be found there, and he defied them to find one case to prove the House had the right or the power to proceed as they were doing. They might be perfectly regardless of public opinion; they might be perfectly regardless of Parliamentary usage; they might be perfectly regardless of precedent; but they might depend it

would be the last vote of the kind ever given in that House. Let the House bring a charge against Mr. Norval; let them pass a resolution that he has been guilty of a breach of privilege;²²² then there would be a substantial charge against him, and they could compel him to appear and justify his conduct, and punish him according to his deserts.²²³ He would ((then)) know what course to pursue to justify himself. He trusted the House would retrace their steps and make a charge.²²⁴

MR. MACDONALD (Glengarry)--said it was plain that Mr. Norval was sent for to answer some charge.²²⁵

MR. AT. GEN. SHERWOOD--What charge?²²⁶

MR. MACDONALD--That charge was implied in the resolution which had been adopted by the House, that Mr. DeWitt ought to have been returned for the County of Beauharnois²²⁷, ((and)), summoning...(Mr. Norval)) and, therefore, he was to come to the Bar of the House, to answer an implied charge. The hon. gentleman argued in similar strain for some time²²⁸.

He was set right by MR. BOULTON.²²⁹

MR. MACDONALD--contended, in answer to Mr. Attorney-General Sherwood's advice to the House, to retrace their steps, that²³⁰ it would be a farce to make Mr. Norval appear at the bar, and then tell him to walk home without saying anything to him.²³¹ They should look like fools²³². He wanted that question to be put to him to find out his reason for making the return he had. One would suppose from this debate that the liberties of the people were altogether delegated to the hon. gentlemen opposite--that they on that side of the House had forgotten the duties which they owed to those who sent them there. He thought that they might fairly lay claim to having the confidence of the people (hear, hear,) and that all the warnings which the gentlemen on the other side had tendered to them came with very bad grace from those who would not take the warnings which had been given them from time to time to behave themselves better. The hon. member for Hamilton made a flaming speech, read as though he had the whole Province of Upper Canada entrusted to his keeping, and as though they who were also from Upper Canada did not understand the liberties and privileges of the people of that Province. He thought that the course which the gentlemen opposite were pursuing was calculated to produce a feeling of disgust towards the proceedings of Parliament in the minds of the new members. He should vote against the amendment.²³³

MR. H. BOULTON--thought it very bad taste in the hon. member for Toronto alluding to him personally. It was evidently done with the purpose of producind (sic) personal annoyance--putting him in mind that he had once been placed at the bar²³⁴ of the House in Upper Canada²³⁵. He had been he knew--whether properly or not, was another question. But why allude to it? why would not another case do just as well?²³⁶ Why did they make personal allusions? Why mention his having been brought to the Bar? It was not argument!²³⁷ The hon. gentleman had also spoken of "Glo-

rious Old Norfolk" and his (Mr. B's)²³⁸ overwhelming²³⁹ majority of four. His majority was of four independent votes, but the majority by which the hon. member had been kept in office a great deal longer than he ought to have been was not more than four although the hon. member had voted for himself, which he (Mr. B.) had not done--(Cheers and laughter.) He thought it was altogether in bad taste introducing this style of discussion--he could not call it argument--into their debates. (Hear, hear.)²⁴⁰ How hon. members could contend that a resolution bringing a man to the Bar of that House was not a charge he could not imagine. If brought there, he was considered a culprit, although, in this instance, he would have him treated in the most lenient manner. He would simply be asked if he could give any excuse for acting as he did. He might, on a former occasion, have moved resolutions to the following effect. (The hon. gentleman read resolutions, bringing a charge which he might have moved when the Returning-Officer was summoned, but did not.) He considered hon. gentlemen were out of order to impugn the proceedings of the House; it was their duty to bow to its decisions. If Mr. Norval's answer were satisfactory, he would only be admonished as I was when brought up in Upper Canada; I have taken good care not to offend again, and have no doubt Mr. Norval will do likewise.²⁴¹

MR. DRUMMOND²⁴²--said, that it must strike even a casual observer as strange that when the Ministry were arraigned before the country for their misdeeds, only one man should rise from the Treasury Benches, and he rose to stammer forth a lame excuse--(cheers)--that they should remain silent when summoned before the country to answer for their²⁴³ three years of misgovernment;²⁴⁴ that when it was known to the world that they had interfered at the late elections--that they had suborned the Returning Officers,--when it was proposed to punish these officers, then indeed there was a battle to fight which was worthy of their energies--then indeed²⁴⁵ they could rise in numbers²⁴⁶ ((and)) sound forth to shield these Returning Officers, although they had not thought it worth while to come forward to defend their own misdeeds when called upon to do so by the voice of the country at large; and now they had come down to defend the conduct of these Returning Officers with hypocrisy on their brows and falsehood on their lips. (Cheers.) They had come down and denied the fact that they had ever attempted to excuse the conduct of these Returning Officers; and yet they had seen attempts to excuse that conduct, which had aroused indignation not only in the heart of every member of that House, but of every honest man in Canada (cheers); and yet they came down today to tell the House that they had never counselled these Returning Officers in these acts; and yet they came down to the House, and had the hardihood to declare, in the face of those who knew the facts, that they had not given counsel. (Cheers.) He had said that the Attorney General East had given counsel to the Returning Officer of Shefford. He had met with a black (sic) denial of the act, and now he (Mr. D.) rose again to explain what were the facts which had induced him to make that statement, and he would leave the House to decide whether or not he was justified in doing so. He was in the township of Brome two or three days after the writ had been issued, when he happened to meet Mr. Alonzo Woods,

the Returning Officer. He appeared to be returning from travel to a distance, and from such a direction as to lead him (Mr. D.) to suppose that he came from the County of Missisquoi. They entered into conversation, and Mr. Woods stated that he had obtained the Attorney General's advice upon one or two points, and wanted him to add his advice to it. He replied that he could not give any advice in an election in which he himself was concerned.. Was he to suspect that the Returning Officer had told him an untruth; and that he had never been advised by the Attorney General East?²⁴⁷ He had therefore the word of the Returning Officer for the statement he had made, but he was prepared with even better proof than this.²⁴⁸ He held in his hand a copy of the opinion, which a friend had handed to him,²⁴⁹ ((et)) qui avait été entre les mains de M. Woods²⁵⁰, proving that Mr. Attorney General Badgley had endorsed the opinion of one of the Queen's Counsel as to the interpretation of the Law of Election,²⁵¹ and he would read a portion of it.²⁵² Mr. Drummond here pulled out a paper and read to the House the written opinion of Mr. Attorney General Badgley, under his own hand, in answer to certain queries propounded to him by Mr. Wood, the Returning Officer for Shefford, copies of which had been sent to every polling place in the county....²⁵³ L'opinion avait été signée par M. Buchanan, C. R., et plus bas par "W. Badgley" avec les mots "je concours entièrement dans l'opinion qui précède."²⁵⁴ The answer to one of the questions was--that should the Returning Officer be satisfied from the answer of any voter, that the said voter had no title to the property he professed to vote upon, although the voter insisted that his title was good, and offered to swear that it was so, the Returning Officer ought to refuse to put the oath to him, or to receive his vote...Derisive laughter greeted the reading of this...opinion²⁵⁵. ((M. Drummond continue:)) L'expression de cette opinion a eu l'effet de défranchiser 250 Canadiens dans le comté de Shefford seulement,²⁵⁶ and Mr. Drummond assured the House, he had ((thus)) been defrauded of 250 good votes.²⁵⁷ Perhaps the hon. Attorney General would shelter himself behind the evasion that he had expressed no opinion, but had merely consented to the opinion of Queen's Counsel Buchanan; and yet these were the men who would have them believe that they were jealous of the rights of the people--that they were the true friends of Responsible Government--that Responsible Government should be placed under their charge--that they alone were worthy to watch over and foster it. (Cheers.) But the country understood them; the country had given its opinion of these men. The House would not be deterred from the performance of its duty by the facetiousness of the hon. member for Sherbrooke, or the well-feigned indignation of the gentlemen on the Treasury Benches--(Hear, hear.) He conceived that they were bound to bring forward any of their servants whom they even suspected of having deviated from the line of duty; they owed it to the country to bring those servants before the bar to answer for their conduct.²⁵⁸

MR. AT. GEN. BADGLEY--would not have spoken on the subject except to put the hon. member for Shefford right. He had been charged with giving his advice to Returning Officers; he never advised any one of them.²⁵⁹ He said this advice was not given by him to Mr. Wood. That gentleman had

applied to Mr. Buchanan, Queen's Counsel, who had given that opinion, and he (Mr. Attorney General Badgley) had certified that he coincided with it!²⁶⁰ ((He)) explained that advice had been given professionally, but not in his capacity of Attorney General.²⁶¹ He was called upon to say professionally whether he agreed in an opinion given on the Election Law. He did agree with it. He took no blame for the opinion, and still maintained the parties disenfranchised were not entitled to vote. They had heard a good deal said on the opposite side about mercy. If the Returning Officer was innocent then there was no need of mercy, and he could not believe he was guilty, seeing there was no charge against him.²⁶²

(23)

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Badgley, Brooks, Christie, Crysler, Gugy, Macdonald of LINGSTON, Malloch, M'Connell, M'Lear, Meyers, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Smith of FRONTENAC, Stevenson, and Taché.--(17.)

NAYS.

Messieurs Armstrong, Aylwin, Beaubien, Bell, Boulton of NORFOLK, Boutrillier, Burritt, Cauchon, Chabot, Chauveau, Cuthbert, Davignon, Drummond, Duchesnay, Dumas, DeWitt, Fortier, Fournier, Fourquin, Gillet, Hall, Holmes, Hinks, Jobin, Johnson, Laterrière, Laurin, Lemieux, Leslie, Macdonald of GLENGARRY, Marquis, M'Farland, Merritt, Mongenais, Morrison, Notman, Price, Richards, Scott of BYTOWN, Scott of TWO MOUNTAINS, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Watts.--(44.)

So it was passed in the Negative.

Mr. Norval was then examined: as followeth:--and on each of the Questions being put, the House divided; and the names being called for, they were taken down as in the preceding division.

MR. MORIN--The Speaker then put the following questions to Mr. Norval²⁶³.

(23)

By the Honorable Mr. Aylwin,

1. Are you the Returning Officer to whom the Writ of Election for the County of Beauharnois was directed at the last General Election?--I am.

2. Were there not on the Poll Books legally returned to you at Durham, on or before the 22d day of January last, a clear majority of 400 votes for Jacob DeWitt, Esquire; and was he not the candidate having the majority of votes upon the said Poll Books?--There were such a number of votes, and he was the candidate having the majority.

3. Was it not reported to you by the Deputy Returning Officer for the Parish of St. Anicet and the Township of Dundee, that the Poll Books for said Parish and Township had been stolen while in progress of transmission to you?--It was reported by the Deputy Returning Officer of St. Anicet, and by the Poll Clerk of the Township of Dundee, that such was the case.

4. Was it not reported to you by the Deputy Returning Officer and Poll Clerk, that there was a majority of 283 votes given in the said Township and Parish, in favor of Jacob DeWitt, Esquire, the sitting Member for Beau-

harmois?--It was.

5. For what reason did you not return the said Jacob DeWitt, Esquire, as the candidate having the majority of votes at the said Election?--I have acted to the best of my judgment, according to the information in my power and faithfully and correctly reported the facts. The case in which I was called upon to act was one for which I could find no precedent; and it will be a relief to me, should I again find myself in a similar situation, that this Honorable House has set such precedent. I assure the Honorable House that I entertained no partiality towards either of the candidates at the late Election for Beauharnois; and if I have done wrong, I have not erred intentionally.²⁶⁴

MR. AYLWIN--was satisfied, and did not intend to put any more questions.²⁶⁵

MR. H. BOULTON--proposed the following:--"were you not advised by some, and if, what person, to make the return you did?"²⁶⁶

Some discussion ((occurred)) between COL. GUGY, COL. PRINCE, and MR. H. BOULTON²⁶⁷.

(23)

By the Honorable Mr. Boulton,

6. Were you or not advised by some, and, if aye, what person to make the Return you did?--I was not advised by any one.

MR. AYLWIN--moved that Mr. Norval be discharged by the Speaker, from the Bar of the House in the most courteous manner in which the House could do it.²⁶⁸

(23)

On motion of the Honorable Mr. Aylwin, seconded by Mr. DeWitt,
Ordered, That R. H. Norval, Esquire, be discharged from further attendance upon this House.

COL. PRINCE--asked Mr. Aylwin who, he presumed, was in the secrets of the Ministers, what their intention was as to carrying on the business of the country, and would the House be prorogued or not?²⁶⁹

MR. AYLWIN--would have been happy to give his hon. friend any information in his power, but he knew nothing about it.²⁷⁰

(23)

Orders Ordered, That the remaining Orders of the day be
deferred. postponed until Thursday next.

Then, on motion of the Honorable Mr. Boulton, seconded by the Honorable Mr. Aylwin,

The House adjourned until Thursday next, at four o'clock, P.M.

FOOTNOTES: 7 MARCH 1848.

1. GLOBE, 15 March 1848, commented: "The hon. gentlemen went in sleighs in grand procession."
2. GLOBE, 15 March 1848.
3. IBID.
4. IBID.
5. The debate on this matter was reported in: PILOT, 9, 11, March 1848; MONTREAL TRANSCRIPT, 9 March 1848; GLOBE, 15 March 1848; LA MINERVE, 9 March 1848; L'AVENIR, 8 March 1848; GLOBE, 8 March 1848, BRITISH COLONIST, 10 March 1848, MONTREAL COURIER, 8 March 1848, and BRITISH WHIG, 8 March 1848, in identical accounts; and MONTREAL GAZETTE, 8, 10, March 1848.
6. GLOBE, 15 March 1848.
7. IBID., 8 March 1848.
8. IBID., 15 March 1848.
9. MONTREAL GAZETTE, 10 March 1848.
10. PILOT, 11 March 1848.
11. MONTREAL GAZETTE, 10 March 1848.
12. MONTREAL TRANSCRIPT, 9 March 1848.
13. IBID.
14. IBID.
15. IBID.
16. PILOT, 11 March 1848.
17. MONTREAL TRANSCRIPT, 9 March 1848.
18. PILOT, 11 March 1848.
19. MONTREAL TRANSCRIPT, 9 March 1848.
20. The debate on this matter was reported in: MONTREAL GAZETTE, 10 March 1848; L'AVENIR, 7, 11, March 1848; GLOBE, 15 March 1848; MONTREAL TRANSCRIPT, 9 March 1848; PILOT, 9 March 1848, noted the debate; the PROVINCIALIST, 14 March 1848, and LE CANADIEN, 10 March 1848, summarized the debate; MONTREAL GAZETTE, 8 March 1848, BRITISH COLONIST, 10 March 1848, GLOBE, 11 March 1848, MORNING CHRONICLE, 10 March 1848, PRINCE EDWARD GAZETTE, 17 March 1848, and BRITISH WHIG, 11 March 1848, all noted the debate identically; and PILOT, 11 March 1848, and LA MINERVE, 9 March 1848, reported the debate in accounts in which some speeches are identical and others are completely dissimilar.
21. PILOT, 11 March 1848.
22. MONTREAL GAZETTE, 10 March 1848.
23. PILOT, 11 March 1848.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. MONTREAL TRANSCRIPT, 9 March 1848.
30. MONTREAL GAZETTE, 10 March 1848.
31. PILOT, 11 March 1848.

32. MONTREAL GAZETTE, 10 March 1848.
33. PILOT, 11 March 1848.
34. MONTREAL TRANSCRIPT, 9 March 1848. The MONTREAL GAZETTE, 10 March 1848, and PILOT, 11 March 1848, referred to the Hansard case.
35. PILOT, 11 March 1848.
36. MONTREAL GAZETTE, 10 March 1848.
37. MONTREAL TRANSCRIPT, 9 March 1848.
38. PILOT, 11 March 1848.
39. MONTREAL TRANSCRIPT, 9 March 1848.
40. MONTREAL GAZETTE, 10 March 1848.
41. PILOT, 11 March 1848.
42. MONTREAL TRANSCRIPT, 9 March 1848.
43. PILOT, 11 March 1848.
44. MONTREAL TRANSCRIPT, 9 March 1848.
45. IBID.
46. PILOT, 11 March 1848.
47. MONTREAL GAZETTE, 10 March 1848.
48. PILOT, 11 March 1848.
49. MONTREAL GAZETTE, 10 March 1848.
50. MONTREAL TRANSCRIPT, 9 March 1848.
51. MONTREAL GAZETTE, 10 March 1848.
52. MONTREAL TRANSCRIPT, 9 March 1848.
53. PILOT, 11 March 1848.
54. MONTREAL GAZETTE, 10 March 1848.
55. PILOT, 11 March 1848.
56. MONTREAL GAZETTE, 10 March 1848.
57. PILOT, 11 March 1848.
58. MONTREAL GAZETTE, 10 March 1848.
59. MONTREAL TRANSCRIPT, 9 March 1848.
60. MONTREAL GAZETTE, 10 March 1848.
61. MONTREAL TRANSCRIPT, 9 March 1848.
62. PILOT, 11 March 1848.
63. MONTREAL GAZETTE, 10 March 1848.
64. PILOT, 11 March 1848.
65. IBID.
66. MONTREAL TRANSCRIPT, 9 March 1848.
67. IBID.
68. PILOT, 11 March 1848.
69. MONTREAL GAZETTE, 10 March 1848.
70. MONTREAL TRANSCRIPT, 9 March 1848.
71. PILOT, 11 March 1848.
72. MONTREAL GAZETTE, 10 March 1848.
73. MONTREAL TRANSCRIPT, 9 March 1848.
74. PILOT, 11 March 1848.
75. IBID.
76. IBID.
77. MONTREAL GAZETTE, 10 March 1848.
78. PILOT, 11 March 1848.
79. MONTREAL GAZETTE, 10 March 1848.

80. IBID.
81. IBID.
82. PILOT, 11 March 1848.
83. IBID.
84. MONTREAL GAZETTE, 10 March 1848.
85. PILOT, 11 March 1848.
86. MONTREAL GAZETTE, 10 March 1848.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. MONTREAL TRANSCRIPT, 9 March 1848.
92. PILOT, 11 March 1848.
93. MONTREAL GAZETTE, 10 March 1848.
94. PILOT, 11 March 1848.
95. LA MINERVE, 9 March 1848.
96. MONTREAL GAZETTE, 10 March 1848.
97. PILOT, 11 March 1848.
98. MONTREAL GAZETTE, 10 March 1848.
99. MONTREAL TRANSCRIPT, 9 March 1848.
100. PILOT, 11 March 1848.
101. MONTREAL TRANSCRIPT, 9 March 1848.
102. LA MINERVE, 9 March 1848.
103. MONTREAL TRANSCRIPT, 9 March 1848.
104. MONTREAL GAZETTE, 10 March 1848.
105. PILOT, 11 March 1848.
106. MONTREAL TRANSCRIPT, 9 March 1848.
107. PILOT, 11 March 1848.
108. LA MINERVE, 9 March 1848.
109. PILOT, 11 March 1848.
110. IBID.
111. IBID.
112. MONTREAL TRANSCRIPT, 9 March 1848.
113. MONTREAL GAZETTE, 10 March 1848.
114. PILOT, 11 March 1848.
115. MONTREAL GAZETTE, 10 March 1848.
116. PILOT, 11 March 1848.
117. MONTREAL TRANSCRIPT, 9 March 1848.
118. PILOT, 11 March 1848.
119. MONTREAL GAZETTE, 10 March 1848.
120. PILOT, 11 March 1848.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. MONTREAL GAZETTE, 10 March 1848.
126. PILOT, 11 March 1848.
127. MONTREAL TRANSCRIPT, 9 March 1848.
128. PILOT, 11 March 1848.

129. LA MINERVE, 9 March 1848.
130. MONTREAL TRANSCRIPT, 9 March 1848.
131. PILOT, 11 March 1848.
132. IBID.
133. MONTREAL GAZETTE, 10 March 1848.
134. PILOT, 11 March 1848.
135. MONTREAL GAZETTE, 10 March 1848.
136. PILOT, 11 March 1848.
137. MONTREAL GAZETTE, 10 March 1848.
138. PILOT, 11 March 1848.
139. MONTREAL GAZETTE, 10 March 1848.
140. PILOT, 11 March 1848.
141. LA MINERVE, 9 March 1848.
142. MONTREAL GAZETTE, 10 March 1848.
143. PILOT, 11 March 1848.
144. MONTREAL GAZETTE, 10 March 1848.
145. PILOT, 11 March 1848.
146. MONTREAL GAZETTE, 10 March 1848.
147. IBID.
148. IBID.
149. PILOT, 11 March 1848.
150. MONTREAL GAZETTE, 10 March 1848.
151. PILOT, 11 March 1848.
152. MONTREAL GAZETTE, 10 March 1848.
153. PILOT, 11 March 1848.
154. MONTREAL GAZETTE, 10 March 1848.
155. PILOT, 11 March 1848.
156. MONTREAL GAZETTE, 10 March 1848.
157. PILOT, 11 March 1848.
158. MONTREAL GAZETTE, 10 March 1848.
159. IBID.
160. IBID.
161. PILOT, 11 March 1848.
162. MONTREAL GAZETTE, 10 March 1848.
163. PILOT, 11 March 1848.
164. IBID.
165. MONTREAL GAZETTE, 10 March 1848.
166. PILOT, 11 March 1848.
167. MONTREAL GAZETTE, 10 March 1848.
168. PILOT, 11 March 1848.
169. MONTREAL GAZETTE, 10 March 1848.
170. PILOT, 11 March 1848.
171. IBID. The MONTREAL GAZETTE, 10 March 1848, reported that Hincks said "I do."
172. GLOBE, 15 March 1848.
173. MONTREAL GAZETTE, 10 March 1848.
174. PILOT, 11 March 1848.
175. MONTREAL GAZETTE, 10 March 1848.
176. PILOT, 11 March 1848.
177. IBID.

178. IBID.
179. MONTREAL GAZETTE, 10 March 1848.
180. PILOT, 11 March 1848.
181. MONTREAL GAZETTE, 10 March 1848.
182. PILOT, 11 March 1848.
183. IBID.
184. GLOBE, 15 March 1848.
185. PILOT, 11 March 1848.
186. MONTREAL GAZETTE, 10 March 1848.
187. IBID. According to PILOT, 11 March 1848, Sherwood spoke "with some warmth."
188. PILOT, 11 March 1848.
189. MONTREAL GAZETTE, 10 March 1848.
190. PILOT, 11 March 1848.
191. GLOBE, 15 March 1848.
192. PILOT, 11 March 1848.
193. GLOBE, 15 March 1848.
194. MONTREAL GAZETTE, 10 March 1848.
195. PILOT, 11 March 1848.
196. MONTREAL GAZETTE, 10 March 1848.
197. PILOT, 11 March 1848.
198. IBID.
199. MONTREAL GAZETTE, 10 March 1848.
200. PILOT, 11 March 1848.
201. GLOBE, 15 March 1848.
202. PILOT, 11 March 1848.
203. MONTREAL GAZETTE, 10 March 1848.
204. PILOT, 11 March 1848.
205. MONTREAL GAZETTE, 10 March 1848.
206. PILOT, 11 March 1848.
207. MONTREAL GAZETTE, 10 March 1848.
208. PILOT, 11 March 1848.
209. MONTREAL GAZETTE, 10 March 1848.
210. PILOT, 11 March 1848.
211. MONTREAL GAZETTE, 10 March 1848.
212. PILOT, 11 March 1848.
213. MONTREAL GAZETTE, 10 March 1848.
214. PILOT, 11 March 1848.
215. IBID.
216. MONTREAL GAZETTE, 10 March 1848.
217. PILOT, 11 March 1848.
218. MONTREAL GAZETTE, 10 March 1848.
219. PILOT, 11 March 1848.
220. MONTREAL GAZETTE, 10 March 1848.
221. PILOT, 11 March 1848.
222. MONTREAL GAZETTE, 10 March 1848.
223. PILOT, 11 March 1848.
224. MONTREAL GAZETTE, 10 March 1848.
225. PILOT, 11 March 1848.
226. IBID.

227. IBID.
228. MONTREAL GAZETTE, 10 March 1848.
229. IBID., which does not explain in what respect Boulton set Macdonald right, nor does it identify Mr. Boulton as John Henry or William Henry. As William Henry Boulton did not engage in the debate, and did not vote the subsequent division, the speaker might appear to have been John Henry Boulton. However, as he and Macdonald were in agreement on this question, it is difficult to determine whether the paper misidentified the speaker or incorrectly reported the sense of his speech.
230. MONTREAL GAZETTE, 10 March 1848.
231. PILOT, 11 March 1848.
232. MONTREAL GAZETTE, 10 March 1848.
233. PILOT, 11 March 1848.
234. IBID.
235. MONTREAL GAZETTE, 10 March 1848.
236. PILOT, 11 March 1848.
237. MONTREAL GAZETTE, 10 March 1848.
238. PILOT, 11 March 1848.
239. MONTREAL GAZETTE, 10 March 1848.
240. PILOT, 11 March 1848.
241. MONTREAL GAZETTE, 10 March 1848.
242. LA MINERVE, 9 March 1848, commented: "M. Drummond se lève, au milieu d'un silence profond". According to GLOBE, 15 March 1848, he gave a "withering speech".
243. PILOT, 11 March 1848.
244. MONTREAL GAZETTE, 10 March 1848.
245. PILOT, 11 March 1848.
246. MONTREAL GAZETTE, 10 March 1848.
247. PILOT, 11 March 1848.
248. GLOBE, 15 March 1848.
249. PILOT, 11 March 1848.
250. LA MINERVE, 9 March 1848.
251. MONTREAL GAZETTE, 10 March 1848.
252. PILOT, 11 March 1848.
253. GLOBE, 15 March 1848.
254. LA MINERVE, 9 March 1848.
255. GLOBE, 15 March 1848.
256. LA MINERVE, 9 March 1848.
257. GLOBE, 15 March 1848.
258. PILOT, 11 March 1848.
259. MONTREAL GAZETTE, 10 March 1848.
260. GLOBE, 15 March 1848.
261. PILOT, 11 March 1848.
262. MONTREAL GAZETTE, 10 March 1848.
263. IBID.
264. IBID., which reported that this answer "was read by Mr. Norval."
265. MONTREAL GAZETTE, 10 March 1848.
266. IBID.

- 267. IBID.
- 268. IBID.
- 269. IBID.
- 270. IBID.

THURSDAY, 9 MARCH 1848.¹

4 O'Clock, P.M.

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Peterborough
and Port Hope
Railway.

MR. SPEAKER laid before the House, a Statement of the Affairs of the Peterborough and Port Hope Railway Company, pursuant to the Act 10 Vic. c. 109.

Appendix (F.)

For the said Statement, see Appendix (F.)

Three Rivers
Election.

Mr. Speaker acquainted the House, that James Burns and François Bureau, Esquires, had entered into the usual Recognizance required by law, on the subject-matter of the Contested Election for the Town of Three Rivers.

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Egan,--The Petition of J. Egan, Esquire and others, of the County of Lanark, and District of Bathurst; the Petition of D. F. M'Laren and others, of the Township of Litchfield; the

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Petition of Gardner Church and others, of Hull and other Townships, in the County of Ottawa; and the Petition of D. C. M'Lean and others, of the Township of Eardley and its vicinity, in the County of Ottawa.

By Mr. Webster,--The Petition of the Reverend Archibald John Macdonell and others, of the Roman Catholic Church of Alexandria.

By Mr. Chauveau,--The Petition of Marc Aurèle Plamondon, President, and others, Members of the Committee of Management of the "Institut Canadien de Québec."

By Mr. M'Lean,--The Petition of the Reverend George A. Hay and others, of the Roman Catholic Church of St. Andrews; the Petition of the Reverend J. F. Cannon and others, of the Roman Catholic Church of Cornwall; the Petition of Alexander M'Donell and others, of the County of Glengarry; and the Petition of Duncan M'Donell and others, of the Roman Catholic Church of St. Raphael, Glengarry.

By Mr. Cauchon,--The Petition of Dame Adelaide Turcot, widow of the late John Clark, Esquire, of the Parish of Chateau Richer, in the County of Montmorenci.

By Mr. Wetenhall,--The Petition of Adam Johnston Fergusson, and others, Electors of the County of Waterloo.

By Mr. Notman,--The Petition of John Wellington Gwynne of the City of Toronto, Esquire.

By Mr. Leslie,--The Petition of the Montreal Ladies Benevolent Society; the Petition of the Ladies Directresses of the Montreal Protestant Orphan Asylum (Aid); and the Petition of the Ladies Directresses of the Montreal Orphan Asylum (new Building).

By Sir Allan N. MacNab,--The Petition of Peter Carroll, Esquire, a candidate at the last General Election for the County of Oxford.²

By Mr. Johnson,--The Petition of the Reverend Alexander Macdonell and

others, of the Roman Catholic Church of L'Original; and the Petition of the Municipal Council of the District of Ottawa (allowance to District Councillors.)

By the Honorable Mr. Badgley,--The Petition of Orin J. Kemp and others, of Sutton and other Townships.

By Mr. Hall,--The Petition of the Reverend John Butler and others, Roman Catholic inhabitants of Peterborough.

By Mr. Brooks,--The Petition of John Moore, Esquire, and others, of Eaton and other Townships, in the County of Sherbrooke.

By Mr. Thompson,--The Petition of Jacob Hoover and others, of the Townships of Walpole and Barnham.

By Mr. Holmes,--The Petition of the Montreal Board of Trade (Lake St. Peter.)

By Mr. Guillet,--The Petition of Benjamin Bailey and others, of the Parish of Ste. Anne de Lapéroue, in the County of Champlain.

By Mr. Stevenson,--The Petition of the Reverend M. Lalor and others, of Pictou.

By Mr. Sherwood of Brockville,--The Petition of James Voller, a Messenger of the Legislative Assembly.

MR. SHERWOOD (Brockville)--presented a petition against the return of the hon. Robert Baldwin for the Fourth Riding of York on the ground of bribery, intimidation, etc...(Laughter.)³

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By Mr. Gugy,--The Petition of the Right Reverend the Lord Bishop of Montreal, on behalf of the Corporation of Bishop's College; and the Petition of the Corporation of Bishop's College at Lernoxville, in the Diocese of Quebec.

By Mr. Jobin,--The Petition of Robert James Begly, of the City of Montreal.

By Mr. Lyon,--The Petition of George Lyon, Esquire, of Richmond, in the County of Carleton.

By Mr. Davignon,--The Petition of Messieurs Robertson, Masson and Company, and others, of the District of Montreal.

By Mr. Prince,--The Petition of the Faculty of Medicine of McGill College.

By the Honorable Mr. Cayley,--The Petition of the President and Secretary of the Toronto Athenaeum.

By the Honorable Mr. Papineau,--The Petition of Maurice H. Beaubien and others, Electors of the County of Berthier; and the Petition of John Clark and others, of the vicinity of Montreal.

By Mr. Laurin,--The Petition of Jean Baptiste Miville Dechène, of St. Henri.

By Mr. M'Connell,--The Petition of Charles Jackson and others, Trustees of the Charleston Academy; and the Petition of John W. Baxter and others, of the Township of Stanstead.

By Mr. Flint,--The Petition of the Conference of the Wesleyan Methodist Church of Canada; and the Petition of the Reverend Charles Bourke and others, of Tyendinaga, in the County of Hastings.

By Mr. Smith of Frontenac,--The Petition of John McGill Chambers, of the Township of Montague, in the District of Bathurst; and the Petition of the Reverend John Foley and others, of the District of Johnstown.

By the Honorable Mr. Macdonald,--The Petition of the Right Reverend the Bishop of Carrhae and others, of the Roman Catholic Church of the City of Kingston and its vicinity.

By Mr. Seymour,--The Petition of the Reverend Michael MacDonnell and others, of the Township of Camden.

By Mr. Smith of Durham,--The Petition of the Reverend Hugh Fitzpatrick and others, of the Townships of Ops and Emily.

By Mr. Drummond,--The Petition of P. Cowan and others, of the Townships of Brome, Dunham, and Farnham; and the Petition of Stephen S. Foster and others, the President, Vice President, and Board of Directors of the County of Shefford Academy.

By Mr. Bell,--The Petition of Edward King and others, of the Roman Catholic Church of Kemptville and Merrickville.

By the Honorable Mr. Aylwin,--The Petition of Pierre Vezina, Esquire, and others, Electors of the Town of Three Rivers; and the Petition of the Reverend John Cook, D. D., and others, the Ministers, Elders, and Trustees of St. Andrew's Church, in the City of Quebec.

Petitions
read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Abraham Moon and others, of the Township of Osgoode; praying to be relieved from the operations of the Act passed during the last Parliament, relating to the survey of the said Township.

Of H. Jones and others, of Enniskillen and other Townships in the Western District; praying that the said Townships may be set apart as a new District, with Port Sarnia as the District Town.

Of Mrs. Hannah Thompson of Perth, in the District of Bathurst, widow of the late Nicholas T. Thompson; complaining of injustice done her respecting certain land granted to her late father, and praying relief in the premises.

Of Ferdinand Filteau, Esquire, and others, of Ste. Geneviève, and other Parishes on the River Batiscan, in the County of Champlain; praying the House to concur in the grant of any sum recommended by the Government for the reconstruction of a Bridge over the River Champlain.

Of I. W. Powell and others, of Port Dover, and its vicinity; praying aid for the completion of the Port Dover Harbour, and the construction of an inner basin thereat.

Of the Reverend James Nelligan and others, Roman Catholic Clergymen of the County of Megantic; praying for the passing of such laws as may

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facilitate the attainment of property, and the continuation and completion of Roads in the said County.

Of Louis Méthot, Mayor, and others, of the Parish of Ste. Croix; praying aid for the reconstruction of a bridge over a certain ravine in the said Parish.

Of John Jarron and others, of the District of Niagara; praying for cer-

tain amendments to the Municipal Council Act.

Of Malcolm Cameron, Esquire, and others; praying an Act of Incorporation to enable them to construct a line of Magnetic Telegraph from the City of Hamilton to the Province Line at the south end of Lake Huron.

Of Orange Clark, of London, in the District of London; praying compensation for loss sustained by him as contractor for a certain part of the London and Chatham Road.

Of Thomas Davis and others, of Eaton and other Townships; praying aid to open a Road from the main settlement of Dudswell to the rear of the Township of Shipton.

Of James O'Loame and others, of the Townships of Glanford and Ancaster, in the District of Gore; complaining of the unequal mode of levying the Tolls upon the Hamilton and Port Dover Plank Road, and praying relief.

Of Charles P. Treadwell, Esquire, and others, of the District of Ottawa; praying that the appropriation made for a road from L'Orignal to Eytown, may be expended upon the front road, as surveyed by Anthony Swallow, from Eytown to Jessup's Falls, on the River Nation, and thence to L'Orignal,--and that the said appropriation be increased.

Of the Montreal Telegraph Company; praying for certain amendments to their Act of Incorporation.

Of J. T. Brondgeest, Esquire, President and others, on behalf of the Hamilton Board of Trade; praying for the passing of any Bill which may be introduced for the construction of a Canal round the Falls at the Sault de Ste. Marie.

Of J. T. Brondgeest, Esquire, President and others, on behalf of the Hamilton Board of Trade; praying for the passing of a general Law to authorize the establishment of Joint Stock Companies under certain restrictions.

Of J. T. Brondgeest, Esquire, President and others, on behalf of the Hamilton Board of Trade; praying the repeal of the Usury Laws--or that they may be assimilated to the Laws of Great Britain.

Of the Montreal and Lachine Railroad Company; praying that their Act of Incorporation may be so amended as to enable them to borrow money at such a rate of interest as may be agreed upon,--and to increase their capital stock.

Of A. LaRocque, of Montreal, and Amable Archambeault and others, of the Parish of L'Assomption; praying to be authorized to erect a Toll Bridge over the Rivière de L'Assomption.

Of J. B. Meilleur, Esquire, and others, Members of the Incorporated College of L'Assomption; praying an increased grant in support of the said College.

Of the Reverend Messire Ducharme, Founder and Superior of the College of Ste. Thérèse de Blainville; praying for aid in support of the said Institution.

Of the Municipal Council of the District of Colborne; praying that the provisions of the Act which provides for the payment of the charges attending the Administration of Criminal Justice in Upper Canada, may be so defined and enlarged as to relieve them from the burthen of these charges, and place them on a footing with other parts of the Province.

Of the Municipal Council of the District of Colborne; praying for the repeal of the Act 9 Geo. 4, cap. 3, in so far as it authorizes the payment of land tax to the Treasurer of any District other than that in which the lands are situate.

Of S. H. Masson and others, inhabitants of Dundee and its vicinity in the County of Beauharnois; praying aid to remove certain obstructions to the navigation of the Salmon River.

Of John Counter, Esquire, and others, of Kingston; praying to be incorporated as a Marine Insurance Company.

Of the Municipal Council of the District of Gore; praying that the Municipal Council Act may be so amended as to allow the said Councils to remunerate their respective Wardens.

Of the Municipal Council of the District of Gore; praying that certain duties respecting Assessment and Collectors' Rolls may be transferred to the Clerks of District Councils, and that the said Councils may have the appointing of the Assessors and Collectors.

Of James A. Chambers and others, of the Village of Farmersville, and its vicinity, in the County of Leeds; praying the appointment of an Officer or Officers to issue Writs to attach the moveable property of persons about to leave the Country without paying their just debts.

Of the Municipal Council of the Western District; complaining of the insufficiency of the Law respecting the sale of lands of absentees for taxes imposed by the Municipal Council, and praying relief.

Of the Municipal Council of the Western District; praying for certain amendments to the Common School Act.

Of the Charitable Association of the Roman Catholic Ladies of Quebec; praying aid in support of the said Institution.

Of Ashton Fletcher and others, of the Township of Markham and its vicinity; praying an Act of Incorporation to enable them to construct a Road from Yonge Street, near Elgin Mills, to the eighth Concession of Markham, with power hereafter to continue it either northerly or easterly.

Of the Reverend M. Chauvin and others, of the Parishes of La Baie St. Paul and St. Urbain, in the County of Saguenay; praying for aid to open a Road from the Parish of St. Urbain to Ha! Ha! Bay.

Of the Reverend A. Beaudry and others, of the Parish of St. Etienne dite La Malbaie, and other places in the County of Saguenay; praying that no Tavern Licenses be granted to any person who may not have obtained a certificate from the Parish Officers.

Of Albert Chapman and others, of the Seigniorship of Foucault, in the County of Rouville; praying indemnification for losses sustained by them during the late Rebellion and Invasion of the Province.

Of G. Wrong, Chairman, and W. B. Wrong, Secretary, on behalf of a meeting of the inhabitants of parts of the Townships of Malahide and Bayham; praying aid for the construction of a Harbour at Port Burwell.

Of William S. Kanady, on behalf of a meeting of the inhabitants of the Township of Bayham; praying to be annexed to the District of Brock, in exchange for a part of the Township of Nissouri.

Of the Municipal Council of the District of London; praying for the repeal of the Act authorizing the erection of Houses of Industry, in so

far as regards the said District.

Of the Municipal Council of the District of London; praying that the Township of Bayham, in the said District, may be annexed to the District of Brock, in exchange for a certain part of the Township of Nissouri.

Of the Municipal Council of the District of London; praying for amendments to the Common School Act.

Of the Municipal Council of the District of London; praying that no division be made of the endowment of the University of King's College,

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but that it may be so managed as that all classes may share alike in its advantages.

Of the Municipal Council of the District of London; praying that the Municipal Council Act may be so amended as to enable them to recover rates and assessments from the lands of absentees.

Of the Municipal Council of the District of London; praying that the duties of the Clerks of the Peace respecting rates and assessments may be transferred to the Clerks of District Councils.

Of James Blackburn and others, of the County of Ottawa, and of others of the south bank of the River Ottawa, in Upper Canada; praying that the said County be erected into a separate District, with a Court of Superior, Civil, and Criminal Jurisdiction, a Court of General Quarter Sessions of the Peace, and a Court of Bankruptcy.

Of Joseph Garon and others, of the County of Rimouski; praying that certain waste lands of the Crown be conceded to them in free and common soccage, or, otherwise, that they may be allowed to make use of the same and the timber thereon; and also for aid to enable them to clear the said lands, and open roads for the settlement of the same.

Of Michel Larivé of Ste. Luce, in the County of Rimouski; praying indemnification for expenses incurred by him in the construction of Roads through St. Germain, St. Luce, and other Parishes, and through the Crown Lands.

Of François Normand, of the Banlieue of Three Rivers, Master Carpenters, Builders, and Contractors for Wharves and Bridges; praying the payment of a certain amount due them as Contractors for the construction of Bridges over the Rivers St. Maurice, Batiscan, and Ste. Anne de Lapérade.

Of W. A. Townsend and others; praying to be incorporated as the Ottawa Glass Company.

Of Ruggles Wright, of Hull, in the District of Montreal; complaining that certain Slides for rafts constructed by him at the Chaudière Falls, are rendered unprofitable by reason of the construction of similar Slides by the Board of Works,--and praying that the said Slides may be purchased from him by the Government at a certain valuation.

Of the Municipal Council of the District of Gore; praying that no division may be made of the said District.

Of the Trafalgar, Esquesing, and Erin Road Company; praying that their Acts of Incorporation may be so amended as to allow the Municipal Councils of the Districts of Gore and Wellington to take Stock in the said Company.

Of the Municipal Council of the District of Gore; praying that the com-

mon School Acts repealed by the Act 4 and 5 Vic. cap. 18, may be restored, with certain alterations.

Of Jean Langevin, of the City of Montreal, Esquire; praying payment of certain claims against the Municipal Council of the District of Quebec.

Of the Honorable William Walker and others, Directors of the Quebec Gas Company; praying for an Act of Incorporation.

Of Joseph Watier and others, of the Parish of St. Timothée, in the County of Beauharnois; praying the appointment of new Commissioners to ascertain their just claims for damages sustained in consequence of the construction of the Beauharnois Canal.

Of the Municipal Council of the District of Johnstown; praying for the repeal of the Division Courts Act, and the restoration of the Commissioners' Courts, with such regulations as may be deemed meet.

Of William E. M'Vity, Clerk of the Peace for the District of Simcoe; praying that the duties connected with the Assessment Rolls be not transferred to the Clerks of the District Councils; or, that should such transfer be deemed necessary, other provisions be made to secure to the Clerks of the Peace their usual emoluments.

Of the Municipal Council of the District of Simcoe; praying for the adoption of a more equal system of assessment in Upper Canada.

Of the Municipal Council of the District of Simcoe; praying that the entire control of all matters connected with the assessment of Districts, appointment of persons for that purpose, and fixing their Salaries, may be given to the District Councils.

Of the Municipal Council of the District of Simcoe; praying aid to construct a Road from Barrie to Orillia.

Of the Municipal Council of the District of Simcoe; praying amendments to that part of the Municipal Council Act which relates to the mode of election of District Councillors.

Of the Municipal Council of the District of Simcoe; praying that the Act 9 Vic. Cap. 14, sec. 19, may be so amended as to allow a discretionary power to the Municipal Councils in the erection of Registrar's Offices and Vaults.

Of the Municipal Council of the District of Simcoe; praying for the passing of a Law to place all parts of the Province upon an equality with respect to the expenses of the Administration of Justice.

Of the Municipal Council of the District of Simcoe; praying aid to improve the Road leading from Barrie to Penetanguishine.

Petition of
Rev. J. Nelligan
and others.

Resolved, That the Petition of the Reverend James Nelligan and others, Roman Catholic Clergymen of the County of Megantic, be referred to a Select Committee, composed of Mr. Laurin, Mr.

Davignon, Mr. Jobin, Mr. Guillet, and Mr. Fortier, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Of C. P. Treadwell
and others,
referred.

Mr. Lyon moved, seconded by Mr. Egan, That the Petition of Charles P. Treadwell, Esquire, and others, of the District of Ottawa, be referred to a Select Committee, composed of Mr. Johnson, Mr. Scott of Bytown, Mr. Egan, Mr. Cameron of Kent, Mr. Malloch, Mr. Watts, and the

mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Mr. Scott of Bytown moved, in amendment, seconded by Mr. Richards, That the name of "Mr. Watts," in the said Motion, be struck out, and the name of the Honorable Mr. Robinson substituted.

Some discussion arose respecting the appropriation for the road⁴.

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The Question having been put on the Motion of amendment, the House divided; and it was carried in the Affirmative.

The Question being then put on the main Motion, as amended, as it was agreed to.

Resolved, That the Petition of Charles P. Treadwell, Esquire, and others, of the District of Ottawa, be referred to a Select Committee, composed of Mr. Lyon, Mr. Johnson, Mr. Scott of Bytown, Mr. Egan, Mr. Cameron of Kent, Mr. Malloch, and the Honorable Mr. Robinson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Holmes,

Stormont
Election.

Resolved, That the Petition of D. AE. Macdonell, Esquire, candidate at the late Election of a Member for the County of Stormont, and others, Electors of the said County, complaining of the undue Election and Return of Alexander M'Lean,

(27)

Esquire, to represent the said County in the present Parliament, be taken into consideration by this House, on Wednesday, the fifteenth day of March instant, at the hour of four o'clock P.M.; and that notice to that effect, in writing, be forthwith given by Mr. Speaker to the Petitioners, their counsel, or agent, and to the sitting Member, according to the provisions of the second clause of an Act passed, by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty George the Fourth, chapter four.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Holmes,

Cornwall
Election.

Ordered, That the Petition of Charles Rattray, Esquire, and others, Electors of the Town of Cornwall, complaining of the undue Election and Return of the Honorable John Hillyard Cameron, Esquire, as a Member to represent the said Town of Cornwall in the present Parliament, be taken into consideration by this House, on Wednesday, the fifteenth day of March instant, at the hour of five o'clock, P.M.; and that notice to that effect, in writing, be forthwith given by Mr. Speaker to the Petitioners, their counsel, or agent, and to the sitting Member, according to the provisions of the second clause of an Act passed, by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty George the Fourth, chapter four.

MR. AYLWIN--moved the postponement of the orders of the day till Friday⁵.

(27)

Orders
deferred.Ordered, That the Orders of the day be postponed
until to-morrow.Then, on motion of the Honorable Mr. Aylwin, seconded by Mr. Bouthil-
lier,The House adjourned until to-morrow, at four o'clock, P.M.⁶

APPENDIX: 9 MARCH 1848.

((NOTICE OF MOTION RE: INQUIRY INTO ELECTION OF J. H.
CAMERON.))

Notice was given to inquire into the election of Mr. Solicitor
General Cameron, on the 17th instant.⁷

FOOTNOTES: 9 MARCH 1848.

1. ST. CATHARINES JOURNAL, 16 March 1848, observed: "The House was this day wholly occupied with the presenting, reading, and referring of petitions." LA MINERVE, 9 March 1848, noted: "On a remarqué que les honorables MM. Baldwin et LaFontaine n'étaient pas présents à l'ouverture de la chambre."
2. PILOT, 11 March 1848, added: "on the ground of improper and insufficient qualification". The PILOT also contained a commentary on this petition.
3. PILOT, 11 March 1848. Although the JOURNALS omit mention of this petition, newspaper reports make it obvious that it was brought up at this point. The full text of the petition may be found in GLOBE, 18 March 1848. PILOT, 11 March 1848, contains a commentary.
4. HAMILTON SPECTATOR, 18 March 1848.
5. PILOT, 11 March 1848.
6. BRITISH COLONIST, 10 March 1848, GLOBE, 11 March 1848, BRITISH WHIG, 11 March 1848, and PRINCE EDWARD GAZETTE, 17 March 1848, noted in identical accounts that the House adjourned "at 20 minutes past 6". HAMILTON SPECTATOR, 18 March 1848, gave the time as six o'clock.
7. HAMILTON SPECTATOR, 7 March 1848.

FRIDAY, 10 MARCH 1848.1

4 O'Clock, P.M.

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Trinity House.
Quebec.

MR. SPEAKER laid before the House, the Accounts of the Trinity House of Quebec, for the year ended the 31st December, 1847.

Appendix (G.)

For the said Accounts, see Appendix (G.)

Agricultural
Societies.

Also, Reports of Agricultural Societies in Upper Canada and Lower Canada, pursuant to Acts 8 Vic. c. 53 and 54.

Appendix (H.)

For the said Reports, see Appendix (H.)

Montreal High
School.

Also, Statement of the Property of the High School of Montreal, and of the revenue and disbursements for the year ending 31st July 1847, pursuant to Act 8 Vic. c. 104.

Appendix (I.)

For the said Statement, see Appendix (I.)

Invalid Per-
sons and
Foundlings.

Also, Report of the Commissioners for the relief of Invalid Persons and Foundlings in the District of Quebec.

Appendix (J.)

For the said Report, see Appendix (J.)

St. Lawrence
and Atlantic
Railroad.

And also, Statement of the Affairs of the St. Lawrence and Atlantic Railroad Company, to the 30th November, 1847, pursuant to Act 8 Vic. c. 25.

Appendix (K.)

For the said Statement, see Appendix (K.)

Bonaventure
Election.

Mr. Speaker acquainted the House, that John R. Hamilton, Esquire, and Robert Smollet, had entered into the usual Recognizance required by law, on the subject-matter of the Contested Election for the County of Bonaventure.

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Cauchon,--The Petition of François Xavier Rousseau and others, of Dorset, Shenley, Lambton, and other Townships; and the Petition of Adrien Blouin and others, of Tring, Forsyth, Price, and other Townships.

By Mr. Notman,--The Petition of the Municipal Council of the District of London (Collectors' Rolls.)

By Mr. Armstrong,--The Petition of L. Nolin and others, of the Parish of L'Assomption in the County of Leinster.

By Mr. Bouthillier,--The Petition of the Right Reverend the Roman Catholic Bishop of Montreal; the Petition of the Sisters of Mercy of Montreal; and the Petition of the Corporation of the Sisters of Charity of St. Hyacinthe.

By Mr. Meyers,--The Petition of Archibald John MacDonell and others, Roman Catholic Inhabitants of Cobourg.

By Mr. Chauveau,--The Petition of Alexis Gagné, of the Parish of St.

Louis de Kamouraska, Merchant.

By Mr. Beaubien,--The Petition of F. X. Valade and others, Members of the Association of Teachers of the District of Montreal.

By the Honorable Mr. Badgley,--The Petition of Ignace Portneuf and others, the Chiefs and Warriors of the Abenakis Village of St. François du Lac St. Pierre.

By Mr. Drummond,--The Petition of Pierre Benjamin Dumoulin, of the Town of Three Rivers, Esquire, Advocate; the Petition of Mrs. Elizabeth L. Cushing, of the City of Montreal; and the Petition of William Evans, of Côte St. Paul, in the Parish of Montreal.

By Mr. DeWitt,--The Petition of M. A. Primeau and A. H. Trottier, of the Parish of Ste. Martine, in the County of Beauharnois, Merchants; the Petition of John Molson, Esquire, Chairman of the Committee of Management of the Company of Proprietors of the Champlain and St. Lawrence Railroad; and the Petition of Luc Hyacinthe Masson and others, of the Township of Dundee, in the County of Beauharnois.

By Sir Allan N. MacNab,--The Petition of Hugh C. Baker, President, and others, the Vice President and Directors of the Canada Life Assurance Company.

By Mr. Chabot,--The Petition of Jeffery Hale, Esquire, and others, Members of the Quebec British and Canadian School Society; and the Petition of A. Bebee and others, Electors of the County of Bonaventure.

On motion of Mr. Holmes, seconded by Mr. Jobin,

Banks and
Insurance
Companies.

Ordered, That the Officers connected with the several Chartered Banks and Insurance Companies of the Province be respectively directed to lay before this House, the Statements of the

Affairs of the said Banks and Insurance Companies, as required by their Acts of Incorporation.

On motion of Mr. Drummond, seconded by Mr. Beaubien,

Private
Petitions.

Ordered, That the time for presenting private Petitions to this House, be extended until Monday, the twentieth of March instant.

MR. HOLMES²--rose and said--I beg leave, Mr. Speaker, to inform the House, that owing to the arrangements necessary for replacing in this House the Responsible Advisers of the Crown not being yet matured, and believing it inconsistent with Parliamentary practice to proceed with any measures of moment in their absence, I shall, before the House enters upon the Orders of the Day, move³ that when the House rises it stand adjourned to Monday, at 4 o'clock,...((and)) that the orders of the day be discharged, and that the House do now adjourn⁴.

(27)

Orders
deferred.

Ordered, That the Orders of the day be postponed until Monday next.

On motion of Mr. Holmes, seconded by Mr. Guillet,⁵

Adjournment.

Resolved, *That when this House doth adjourn, it
will adjourn until Monday next, at four
o'clock, P.M.*

Then the House adjourned until Monday next, at four o'clock, P.M.

APPENDIX: 10 MARCH 1848.

((ANNOUNCEMENT RE: RESIGNATION OF MINISTERS.))

MR. SHERWOOD--announced in the House that the resignations of himself and colleagues had been accepted.⁶

((OVERRULED MOTION RE: J. H. CAMERON.))

MR. J. S. MACDONALD (Glengarry)--begged to rescind a notice of motion passed yesterday, for enquiry into the right of Mr. J. H. Cameron's seat in the House.⁷

This was overruled by the sense of the House, as a notice must first be given.⁸

FOOTNOTES: 10 MARCH 1848.

1. PILOT, 11 March 1848, reported that: "The Conservative members had vacated the Ministerial Benches, and taken possession of the Opposition side of the House". GLOBE, 18 March 1848, reported: "The Liberals took possession of the Treasury Benches...but none of the new Ministers were present. The Reporters have also changed sides."
2. The debate on this matter was reported in: LA MINERVE, 13 March 1848; L'AVENIR, 11 March 1848; PILOT, 11 March 1848; GLOBE, 18 March 1848; and MONTREAL GAZETTE, 13 March 1848, and ST. CATHARINES JOURNAL, 23 March 1848, in identical accounts.
3. PILOT, 11 March 1848.
4. GLOBE, 18 March 1848.
5. According to L'AVENIR, 11 March 1848, and HAMILTON SPECTATOR, 18 March 1848, the motion for adjournment was seconded by Mr. Jobin.
6. GLOBE, 18 March 1848.
7. HAMILTON SPECTATOR, 18 March 1848.
8. IBID.

MONDAY, 13 MARCH 1848.¹

4 O'Clock, P.M.

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Montreal
Turnpike
Roads.

MR. SPEAKER laid before the House, the Accounts of the Trustees of the Montreal Turnpike Roads, from 1st January, 1847, to 29th February, 1848.

Appendix (L.)

For the said Accounts, see Appendix (L.)

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Brooks,--The Petition of G. K. Foster and others, Trustees of the Richmond Academy, in the Township of Shipton, County of Sherbrooke; the Petition of Thomas C. Allis and others, of the Township of Shipton; the Petition of G. K. Foster and others, of Durham and other Townships, in the Counties of Drummond and Sherbrooke (new County); and the Petition of Thomas C. Allis and others, of Shipton and other Townships (Arthabaska Road.)

By Mr. Fortier,--The Petition of the Corporation of the Seminary of Nicolet; the Petition of the Reverend L. Dufour and others, inhabitants of the Townships of Stanford, Somerset, Blandford, and Arthabaska; and the Petition of W. Demers and others, inhabitants of St. Jean Deschaillons, St. Pierre les Becquets, and St. Edouard de Gentilly.

By Mr. Wilson,--The Petition of John M'Intosh, of the Township of London; and the Petition of John Geary, of London, in the District of London.

By Mr. Jobin,--The Petition of Mrs. M. A. F. Viger, President, and other Ladies, Directresses of the Catholic Orphan Asylum of Montreal; and the Petition of John M'Craig, of St. Polycarpe, Esquire.

By Mr. Christie,--The Petition of Louis Leclerc and others, of Ste. Anne des Monts and Cape Chat, in the District of Gaspé; and the Petition of Joseph Vallée and others, of Ste. Anne des Monts and Cape Chat, in the District of Gaspé.

By Mr. Taché,--The Petition of the Reverend J. Doucet and others, of the Parish of St. Jean Baptiste de L'Isle Verte, in the County of Rimouski; and of the Chiefs and other Indians residing in the Township in the rear of the Seigniorship of L'Isle Verte, and belonging to the said Indians.

By Mr. Watts,--The Petition of R. J. Millar and others, of Durham and other Townships.

By the Honorable Mr. Papineau,--The Petition of G. L. Marler and others, of the District of Three Rivers.

By Mr. Duchesnay,--The Petition of the Reverend A. Lefrançois and others, of the Parish of St. Augustin, in the District of Québec.

By Mr. Dumas,--The Petition of Samuel Anderson and others, of the Township of Rawdon, and of the Parishes of St. Jacques and St. Charles Borromée.

By Mr. Guillet,--The Petition of Marcel Lymburner and others, of the Parish of St. Stanislas de Batiscau, in the County of Champlain; and the Petition of T. Toutant and others, of Champlain and other Parishes, in the County of Champlain.

By Mr. Drummond,--The Petition of F. A. M'Donald and others, of the District of Montreal.

By Mr. Smith of Durham.--The Petition of the Municipal Council of the District of Newcastle (Common School Act.)

By Mr. Merritt,--The Petition of the Municipal Council of the District of Niagara (Road); the Petition of the Municipal Council of the District of Niagara (Insane and destitute); and the Petition of the Municipal Council of the District of Niagara (Spirituuous Liquors.)

By Mr. Thompson,--The Petition of the Municipal Council of the District of Niagara (Side lines); the Petition of the Municipal Council of the District of Niagara (Dockstader tract); the Petition of the Municipal Council of the District of Niagara (Lands in Rainham); the Petition of the Municipal Council of the District of Niagara (division of Cayuga); the Petition of the Municipal Council of the District of Niagara (Register Office in Haldimand); and the Petition of the Municipal Council of the District of Niagara (Brock's Monument.)

By Mr. M'Connell,--The Petition of George Taylor and others, of Stanstead.

By Mr. M'Farland,--The Petition of the Municipal Council of the District of Niagara (River Welland); the Petition of the Municipal Council of the District of Niagara (Burying Grounds); and the Petition of the Municipal Council of the District of Niagara (District Town.)

By Mr. Lemieux,--The Petition of Louise Denys and others, of St. François de la Beauce and other places.

By the Honorable Mr. Cayley,--The Petition of G. P. Ridcut, Esquire,
on behalf of the Toronto Athenaeum.

By Mr. Chabot,--The Petition of Antoine Légaré and others, of the Parish of Ste. Foye, in the County of Quebec; the Petition of Edouard Normand of Cap de la Magdeleine; the Petition of J. Fitch and others, of Quebec; the Petition of Vincent Dubé and others, of Ste. Anne de la Pocatière, and of the Township of Isaworth, in the County of Kamouraska; the Petition of J. B. Martin, of the Parish of St. Paschal, in the County of Kamouraska, Esquire; and the Petition of the Reverend Robert R. Burrage, of Quebec.

By Mr. Gagy,--The Petition of the Trustees of the Sherbrooke Academy.

On motion of Mr. Christie, seconded by the Honorable Mr. Laterrière,

Bonaventure
Election.

Ordered, That the Clerk of the Crown in Chancery
do forthwith attend this House, with the Return
to the last Writ of Election for the County of

Bonaventure.

And he attended accordingly with the said Return, and laid the same before the House.

St. Hyacinthe
Election.

St. Hyacinthe Mr. Dumas² moved, seconded by Mr. Cauchon, That
Election. the Petition of P. C. Phaneuf and others, Electors
of the County of St. Hyacinthe, complaining of the
undue Election and Return of Thomas Bouthillier, Esquire, to represent
the said County in this Parliament, and praying for the issue of a new
Writ of Election for the said County, be now received.³

MR. DRUMMOND--opposed the motion, on the ground that the petition contained glaring informalities.⁴ He considered the justification of the petitions to be insufficient, and the oath attempting to establish it to be informal and insufficient, and the omission of affixing the judge's seal to the certificate of certification...fatal to the whole proceeding.⁵ It was necessary, in the first place, that sureties should be given to the sitting member to cover his expenses in case the petition failed.⁶ Now here there was no justification on the part of the sureties. Sureties who so justify,⁷ must swear that they were worth twice the sum for which they became security⁸ before a Judge of the Court of the Queen's Bench. Now the oath affixed to the present petition was taken before a Circuit Judge, who if acting for the Judges of the Court of Queen's Bench, ought to have signed in that capacity.⁹ He would not, however, found a serious objection on that: there was a more substantial one. The oath only stated that the sureties were worth £50 in real property,¹⁰ clear of all mortgages,¹¹ instead of stating that they were worth double that sum after paying all their debts.¹² Le serment n'avait rapport qu'aux dettes hypothécaires, et...les cautions pouvaient être insolvables et cependant n'avoir point de dettes hypothécaires¹³. Then again, there was no seal to the judge's certificate that they had qualified, and the law required that it should be given under the hand and seal of the judge: therefore the certificate was quite valueless.¹⁴ The most extraordinary emission related to the qualification of the petitioners, who should qualify themselves before a magistrate, as they would be required to do, if they came to the poll to vote. This did not appear from the papers to have been done--a magistrate certified that they had qualified according to the 5th Geo. 3d., instead of the 18th of Geo. 3d, according to which they were required to qualify by the 5th of Geo. 4th.¹⁵

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Mr. Drummond moved in amendment, seconded by Mr. Chabot, That the word "now" in the said Motion, be struck out, and the word "not" substituted.

MR. PAPINEAU--((supported)) the reception of the petition... in French.¹⁶ ((Il s'oppose)) fortement à la motion de M. Drummond, prétendant que ces objections étaient frivoles, et constituaient une exception à la forme telle qu'on en fait dans les cours de justice, mais ne pouvaient valoir lorsqu'il s'agissait de la franchise électorale.¹⁷

MR. DUMAS--combatted, in French, the objections raised, and called upon the House to receive the petition.¹⁸

M. CHAUVEAU--dit qu'il considérerait la première objection comme frivole, mais que les deux autres qui avaient trait au cautionnement et à la qualification des électeurs, touchaient aux droits acquis par la loi au membre siégeant et le déterminaient à rejeter la pétition.¹⁹

MR. BADGLEY--coincided in Mr. Drummond's opinion, that the absence of the seal of the Judge rendered the petition illegal: he should therefore, vote for the amendment.²⁰

MR. CHABOT--supported the amendment ((in French))²¹.

MR. GUGY--((a parlé.))²²

MR. H. SHERWOOD (Toronto)--thought that the House was bound to obey the law of the land, now it was provided by an Act of Parliament that no petition should be received which had not a certificate of the justification of the sureties appended to it, given under the hand and seal of a Judge. Now there was no seal in this case. They could not, therefore, receive the petition.²³

SIR A. MACNAB--((said a few words.))²⁴

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The Question being put on the Motion of amendment, it was agreed to by the House.

The Question being then put on the main Motion, as amended, it was also agreed to.

Resolved, That the Petition of P. C. Phaneuf and others, Electors of the County of St. Hyacinthe, complaining of the undue Election and Return of Thomas Bouthillier, Esquire, to represent the said County in this Parliament, and praying for the issue of a new Writ of Election for the said County, be not received.

Petitions
read.

*Pursuant to the Order of the day, the following
Petitions were read:--*

Of J. Egan, Esquire, and others, of the County of Sanark, and District of Bathurst; praying that certain Townships therein mentioned may be set apart as a new District.

Of D. F. M'Laren and others, of the Township of Litchfield; praying aid to improve the Road from Portage du Fort to the head of the Calumet Rapids, and that they may be relieved from certain burthens imposed by the Common School Act.

(29)

Of Gardner Church and others, of Hull and other Townships, in the County of Ottawa; praying a grant of money to build Bridges and repair the Road between the mouth of the Gatineau River and the Victoria Farm.

Of D. C. M'Lean and others, of the Township of Eardley and its vicinity, in the County of Ottawa; praying a grant of money to improve certain Roads in the said County.

Of the Reverend Archibald John Macdonell and others, of the Roman Catholic Church of Alexandria; of the Reverend George A. Hay and others, of the Roman Catholic Church of St. Andrews; of the Reverend J. F. Cannon and others, of the Roman Catholic Church of Cornwall; of Duncan M'Donell and others, of the Roman Catholic Church of St. Raphael, Glengarry; of the Reverend Alexander Macdonell and others, of the Roman Catholic Church of L'Original; of the Reverend M. Lalor and others, of Picton; of the Reverend Charles Bourke and others, of Tyendinaga, in the County of Hastings; of the Reverend John Foley and others, of the District of Johnstown; of the Right Reverend the Bishop of Carrhae and others, of the Roman Catholic Church of the City of Kingston, and its vicinity; of the Reverend Michael MacDonnell and others, of the Township of Camden; of the

Reverend Hugh Fitzpatrick and others, of the Townships of Ops and Emily; of Edward King and others, of the Roman Catholic Church of Kemptville and Merrickville; and of Archibald John MacDonell and others, Roman Catholic inhabitants of Cobourg; praying that the College of Regiopolis, at Kingston, may be established upon a permanent and respectable basis, by a provision for its support, either from the property of the University of Toronto, or out of the proceeds of the Jesuits' Estates, or from some other source.

Of Marc Aurèle Plamondon, President, and others, Members of the Committee of management of the "Institut Canadien de Québec"; praying an Act of Incorporation.

Of Alexander M'Donell and others, of the County of Glengarry; setting forth:--That the Election and Return of John Sandfield Macdonald, as the Member for the County of Glengarry, are illegal and contrary to law, as only six days notice of the Election was given by the Returning Officer, instead of eight, as required by law; in consequence of which many of the Electors were ignorant of the day of Election, and were thereby debarred giving their votes for the candidate of their choice: That bribery, corruption, intimidation, and promises of reward were made by the said John Sandfield Macdonald, and by his agents, to secure his Election; all of which the Petitioners are prepared to prove; and praying the House may be pleased to cause investigation to be instituted into the legality of said Election.

Of Dame Adelaide Turcot, widow of the late John Clark, Esquire, of the Parish of Chateau Richer, in the County of Montmorenci; representing that her late husband died of typhus fever contracted by him in attending the Emigrants during the past season, in his capacity of Physician; and praying a pension, or such other relief, as the House may deem meet.

Of Adam Johnston Fergusson and others, Electors for the County of Waterloo; setting forth:--That at the late Election in and for the County of Waterloo, of a Member to represent the said County in this Parliament, James Webster, Esquire, and the Petitioner, the said Adam Johnston Fergusson, were the candidates; and that the other Petitioners are, and at the time of the said Election were, Electors of the said County, having a right to vote at the Election to which this Petition relates, and that they voted for the said Adam Johnston Fergusson at the said Election: That at the said Election the said James Webster was declared and returned as duly elected by the Returning Officer, on which occasion the said Adam Johnston Fergusson tendered to the said Returning Officer a written protest against the return of the said James Webster, which protest the said Returning Officer refused to receive: That the Petitioners have good reason to believe, and verily do believe, that a large majority of legal votes was recorded at the said Election in favor of the said Adam Johnston Fergusson, and that the majority of the said James Webster is only a colorable one, being composed of persons not entitled to the franchise: That Polls were held at the said Election in the Townships of Arthur, Normanby, Egremont, Bentinck, Glenelg, Sullivan, Holland, Derby, and Sydenham, which are situated in the extensive and newly-settled territory commonly known as the Owen's Sound Tract, and that vast numbers of votes were recorded in these Townships for the said James Webster, where-

by the large majority obtained by the said Adam Johnston Fergusson in the old-settled portion of the County, was overborne and out-numbered: That the Petitioners have reason to believe, and verily do believe, that great numbers of patents from the Crown were issued to inhabitants of these Townships immediately before the said Election, and for the express purpose of influencing the said Election in favor of the said James Webster: That the Petitioners have also reason to believe, and verily do believe, that a very great proportion of the persons who voted for the said James Webster in these Townships, at the said Election, were not freeholders at the time of voting, and that the lands in right of which they were allowed to vote, were at the time vested in the Crown, no patents having ever issued therefor: That in the said Townships, no free, orderly, or peaceable Election was held on the said occasion; but, on the contrary, a general scene of outrage, intimidation, and violence prevailed: That the most fearful threats, attended in some cases by actual violence, were offered to the supporters of the said Adam Johnston Fergusson in the said Townships, by the supporters of the said James Webster, whereby the former were, almost without exception, deterred and prevented from voting for the said Adam Johnston Fergusson, as they would otherwise have done: That the agents of the said Adam Johnston Fergusson in four of the said Townships, were seized, at the said Election, by the supporters of the said James Webster, and forcibly carried off and imprisoned by them; so that the said agents were unable to be present at the respective Polls which they had been appointed to attend, and the said Adam Johnston Fergusson was, in consequence, entirely unrepresented thereat: That others of the agents of the said Adam Johnston Fergusson, in the other Townships of the said Owen's Sound Tract, were assaulted, threatened, and ill-treated by the supporters of the said James Webster, in order to prevent them from doing their duty as such agents: That the Deputy Returning Officers in all the said Townships of the Owen's Sound Tract, admitted persons to vote for the said James Webster indiscriminately, and without regard to their property qualification: That the said Deputy Returning Officers, at such of the said Townships as the agents of the said Adam Johnston Fergusson were permitted to attend, generally refused to make the voters of the said James Webster swear to their freehold qualification, as required by law, though the same was expressly demanded by the agents of the said Adam Johnston Fergusson: That the said Deputy Returning Officers also refused, in many instances, to permit the said agents of the said Adam Johnston Fergusson even to ask the voters of the said James Webster whether they had deeds or not; and that many of the said voters openly admitted, at the time of voting, that they had no deeds;

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notwithstanding which, their votes were recorded by the said Deputy Returning Officers: That during the polling in the said Townships of the said Owen's Sound Tract, refreshments and intoxicating liquors were openly and profusely supplied to the voters at the polling places and elsewhere, by the agents and supporters of the said James Webster, for the purpose of promoting his Election; and that party flags and colors were also exhibited and used by the supporters of the said James Webster, in

certain of the said Townships, at the said Election, contrary to the statute in that behalf: That in the Township of Waterloo, at the said Election, the Poll was not kept open a sufficient length of time to permit of all the Electors recording their votes, whereby a very great number of the Electors in the said Township of Waterloo, who were desirous of voting for the said Adam Johnston Fergusson, were deprived of an opportunity to record their suffrages; and that, from the absence of proper arrangements for the taking of the votes, much crowding, confusion, and unnecessary delay occurred, to the prejudice of the said Adam Johnston Fergusson, and that much time was unnecessarily wasted there on the said occasion, from the want of due despatch in going through the business of the Election, and, more especially, from the putting of unnecessary questions to the Electors, and the making of unnecessary entries in the Poll Book, to the like prejudice of the said Adam Johnston Fergusson; and praying, for the above causes, that the said Election and Return of the said James Webster, for the County of Waterloo, may be declared void, or amended, and that the said Adam Johnston Fergusson may be declared elected and returned in his place and stead, as the Member to represent the said County of Waterloo in this Parliament,--or if the same shall not be granted, then that a new Writ may be issued by the proper authority for holding an Election for the said County of Waterloo,--or that the Petitioners may have such other relief in the premises, as the nature of the case requires and deserves.

Of the Montreal Ladies Benevolent Society; praying the usual aid in support of that Institution.

Of the Ladies Directresses of the Montreal Protestant Orphan Asylum; praying aid in support of the Institution.

Of the Ladies Directresses of the Montreal Protestant Orphan Asylum; praying aid to enable them to erect a building for the purposes of that Institution.

Of Peter Carroll, Esquire, a candidate at the last General Election for the County of Oxford; setting forth:--That the Petitioner was a candidate for the representation of the County of Oxford at the last General Election, and that the Honorable Francis Hincks and Robert Campbell were also candidates for the representation at the said Election: That on the day nomination at the said Election, the property qualification of the said Francis Hincks was duly demanded by an Elector, and that the said Francis Hincks, not being personally present, there was presented to the Returning Officer, alleged to be on his behalf, a paper purporting to be a declaration of qualification according to law, but taken and subscribed long before the dissolution of the last Parliament and the issuing of the Writ of Election for the said County for the present Parliament: That the Petitioner then and still believing the said declaration to be of no validity, protested against the same; and on the polling days in the several Townships in the said County, gave notice that the said Francis Hincks had not given in his qualification according to law, and that all votes polled for him would be thrown away; that the said notice was given frequently during the continuance of the said Polls in the several Townships: That the said declaration of qualification is insufficient and worthless, on the further grounds, that the said Francis Hincks was not prevented from

attending the said Election by sickness or any other unavoidable cause, and ought therefore, according to the terms of the Act of Union, to have been personally present at the said Election: That the said declaration is not such as that any indictment for perjury or misdemeanor could be preferred thereon if untrue; that it is not direct and positive, but in the alternative; and that the property on which the said Francis Hincks so pretended to qualify is not of the value of five hundred pounds sterling, over and above all incumbrances, as required by law: That the said Francis Hincks has been declared duly elected and returned by the House, and leave been given to the Petitioner and others, to petition against him in consequence thereof; and praying the House to enquire into the matter of the said Election and Return, and to declare the Election of the said Francis Hincks void, and that the Petitioner ought to be the sitting Member.

Of the Municipal Council of the District of Ottawa; praying that the allowance to District Councillors, while attending the Councils, may be increased to ten shillings for each day.

Of Orin J. Kemp and others, of Sutton and other Townships; praying for the construction of a Road from the North Sutton Road by a certain route to Stanstead Plain.

Of the Reverend John Butler and others, Roman Catholic Inhabitants of Peterborough; praying that should any alteration be made in the Charter of the University of King's College, provision may be made for the endowment of the College of Regiopolis, at Kingston,--or otherwise that such provision be made out of the proceeds of the Jesuits' Estates.

Of John Moore, Esquire, and others, of Eaton and other Townships, in the County of Sherbrooke; praying aid to complete the Road leading to the City of Quebec, and to erect a Bridge over the River St. Francis, above the Basin in Westbury.

Of Jacob Hoover and others, of the Townships of Walpole and Barnham; praying aid to improve the Road from Dunnville to the Dover Mills.

Of the Montreal Board of Trade; praying that measures may be adopted for the resumption of the works for deepening Lake St. Peter.

Of Benjamin Bailey and others, of the Parish of Ste. Anne de Lapérade, in the County of Champlain; praying amendments to the Education Act, 9 Vic. c. 27.

Of James Vollar, a Messenger of the Legislative Assembly; praying to be allowed to retire upon a pension or annual allowance.

Of the Right Reverend the Lord Bishop of Montreal on behalf of the Corporation of the Bishop's College; praying that the said College may receive the privilege of conferring Degrees in Divinity, and the Arts and Faculties professed in the learned Universities.

Of the Corporation of Bishop's College at Lennoxville, in the Diocese of Quebec; praying the usual aid in support of that College.

Of Robert James Begly, of the City of Montreal; praying for an inquiry into a charge of defalcation made against him by the Chief Commissioner of Public Works.

Of George Lyon, Esquire, of Richmond, in the County of Carleton; setting forth:--That at the last Election for the County of Carleton, held at Bell's Corners, in the Township of Nepean, in the said County, on the

23rd day of December now last past, the Petitioner, Edward Malloch, and James Johnston, were severally duly proposed and seconded as candidates for the representation of the said County in this Parliament; that a Poll having been demanded, the polling took place in the several Townships on

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the 29th and 30th days of December aforesaid; that the result was in favor of the said Edward Malloch, by one hundred and seven votes over the Petitioner, and several hundreds over the said James Johnston, for whom no votes were polled; and that the Returning Officer declared the said Edward Malloch duly elected: That Simon Fraser, the Sheriff of the District of Dalhousie, and Returning Officer for the said County at said Election, appointed in many of the Townships in said County the partisans of the said Edward Malloch, as Deputy Returning Officers and Poll Clerks, and, as the Petitioner is informed, at the request of the said Edward Malloch: That many of the said Deputy Returning Officers and Poll Clerks canvassed against the Petitioner, both before and at the time of said Election, and acted as scrutinizers and agents for the said Edward Malloch during the polling at said Election: That many persons duly qualified to vote appeared at several of the polling places in the said County to vote for the Petitioner, but were rejected by the Deputy Returning Officers; and that many persons having no vote and not being qualified to vote, were permitted to vote for the said Edward Malloch: That one and more of the said Deputy Returning Officers refused to administer to the voters of the said Edward Malloch the qualification oaths prescribed by law, and also permitted many persons to vote by proxy for the said Edward Malloch: That many persons were prevented from voting for the Petitioner by the violence and threats used by the supporters of the said Edward Malloch towards them: That the said Edward Malloch and his agents, and by and through them, was guilty of bribery at said Election, by personally offering to lend, and did lend, give and tender money to divers voters to vote for the said Edward Malloch at said Election; and did also promise and tender to divers voters at said Election, other rewards, in consideration that they would vote for the said Edward Malloch; that the said Edward Malloch kept and maintained within said County, at his own costs and charges, divers houses of entertainment for his voters at said Election: That the said Edward Malloch, by the aforesaid unlawful means, did obtain an apparent and colourable majority of votes over the Petitioner, and did procure himself to be, and was returned to serve in this present Parliament as Member for the said County: That the Petitioner humbly insists that he had a majority of legal votes at the said Election, and that the said Edward Malloch, by reason of all the premises hereinbefore mentioned, is disqualified from sitting as a Member for said County during this present Parliament; and praying that the House will take the premises into consideration, and declare the Election of the said Edward Malloch null and void, and the said Edward Malloch incapacitated from sitting in this Parliament, and that the Petitioner was duly elected,--or that the House will afford the Petitioner such other and further remedy in the premises as to the House may seem meet.

Of Messieurs Robertson, Masson and Company, and others, of the District of Montreal; praying that the Act relating to Bankrupts 7 Vic. cap.

10, and 9 Vic. cap. 30; may be allowed to expire; that the Ordinance 2 Vic. cap. 36, may be repealed, and that provision be made to terminate such cases as may be pending in the Bankrupt Courts.

Of the Faculty of Medicine of the University of McGill College; praying an increased grant in support of that Institution.

Of the President and Secretary of the Toronto Athanaeum; praying for an Act of Incorporation.

Of John Clark and others, of the vicinity of Montreal; complaining of certain injustice and damages sustained by them by the operations of the Trustees of the Montreal Turnpike Roads, and praying relief.

Of Jean Baptiste Miville Dechène, of St. Henri; praying indemnification for the loss of his Schooner in conveying provisions to the distressed inhabitants of Trois Pistoles and Rimouski, in the year 1816.

Of Charles Jackson and others, Trustees of the Charleston Academy; praying for aid in support of that Institution.

Of John W. Baxter and others, of the Township of Stanstead; praying a grant of money to construct a Road from Stanstead Plain to the Village of Georgeville.

Of the Conference of the Wesleyan Methodist Church of Canada; praying for the passing of a law to enable those who are authorized to solemnize Matrimony in Upper Canada, under certain circumstances, to do the same in Lower Canada, on presenting their certificates of authority.

Of John M'Gill Chambers, of the Township of Montague, in the District of Bathurst; praying that no alterations may be made in the Act of last Session establishing the boundary line between the fourth Concession of Montague and North Elmsley.

Of P. Cowan and others, of the Townships of Brome, Dunham, and Farnham; praying aid to improve the Road from Stanstead to Longueuil.

Of Stephen S. Foster and others, the President, Vice President, and Board of Directors of the County of Shefford Academy; praying the usual aid in support of that Academy.

Of the Reverend John Cook, D. D., and others, the Ministers, Elders, and Trustees of St. Andrew's Church, in the City of Quebec; praying aid in support of the School in connexion with that Church.

Of Francois Xavier Rousseau and others, of Dorset, Shenley, Lambton, and other Townships; and of Adrien Blouin and others, of Tring, Forsyth, Price, and other Townships; praying aid to complete and improve the Lambton Road.

Of the Municipal Council of the District of London; representing that the Taxes for 1845 have not been collected in the Townships of Williams and Mosa in consequence of certain informalities, and praying relief.

Of L. Nolin and others, of the Parish of L'Assomption, in the County of Leinster; praying that no exclusive privilege be granted to A. Larocque, of Montreal, to construct a Toll Bridge over the River L'Assomption, in the said Parish.

Of the Right Reverend the Roman Catholic Bishop of Montreal; praying a grant of money to indemnify him for expenses incurred in relieving the distress of the Emigrants of the last season, and to enable him to provide for the necessities of the coming season.

Of the Sisters of Mercy of Montreal; praying to be incorporated under the name of the "Soeurs de Miséricorde pour la régie de l'Hospice de la Maternité de Sainte Pélagie de Montréal."

Of the Corporation of the Sisters of Charity of St. Hyacinthe; praying aid to enable them to extend their benevolent operations.

Of Alexis Gagné, of the Parish of St. Louis de Kamouraska, merchant; praying indemnification for his services as Returning Officer at all the annual elections of parish officers, in the Parish of St. Louis de Kamouraska, since the year 1841.

Of F. X. Valade and others, members of the Association of Teachers of the District of Montreal; praying that the Superintendent of Education may be authorized to aid them in the establishment of a Library.

Of Ignace Portneuf and others, the Chiefs and Warriors of the Abenakis Village of St. François du Lac St. Pierre; praying for the passing of a law to confirm the nomination of a Trustee chosen by their Tribe,

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who may be thereby authorized to proceed in their behalf in the recovery of their debts, and in guarding their interests.

Of Pierre Benjamin Dumoulin, of the Town of Three Rivers, Esquire, Advocate; setting forth:--That the Petitioner was a candidate with Antoine Polette, of the Town of Three Rivers, Esquire, Advocate, at the Election lately held for the purpose of choosing a Member to represent the said Town in the Legislative Assembly of this Province: That James Dickson, of the said Town of Three Rivers, Esquire, Merchant, was and acted as the Returning Officer at the said Election: That the nomination of the candidates took place on the twenty-ninth day of December last, and the Poll for the said Election was fixed for the third and fourth days of January then next, and now last past: That the said James Dickson, Esquire, since his appointment as Returning Officer, and after having taken the oath as such on the Holy Evangelists before a Justice of the Peace, and during the whole time of the said Election, and especially on the day of the nomination of the said candidates, and the two polling days, did openly shew himself a partial and most zealous partisan of the said Antoine Polette, Esquire, and during all the said time conducted himself in the most partial manner, and against the interests of the Petitioner, the other candidate, to such an extent, that the partiality and injustice of the said James Dickson towards the Petitioner were publicly remarked, and even noticed by the partisans of the said Antoine Polette, Esquire: That among a number of unjust and partial acts of the said James Dickson, Esquire, towards the Petitioner, are the following:--First, That the said James Dickson, Esquire, is one of the persons who requested the said Antoine Polette, Esquire, to come forward as a candidate, and that he even allowed his name to appear as such at the top of the list of signers of the requisition attached to the letter of the said Antoine Polette, Esquire, to the electors, printed on the fifteenth of December last, and distributed throughout the said Town of Three Rivers, several days afterwards, when the said James Dickson, Esquire, must have taken the oath as Returning Officer, as aforesaid: Secondly, That during and before the said Election, after having taken the oath, the said James Dickson, Esquire, constantly sought for and solicited votes for the said

Antoine Polette, Esquire, and always expressed himself in flattering terms in favor of the said Antoine Polette, Esquire; while, on the other hand, he was calumniating and speaking ill of your Petitioner, both with respect to his character and to his fortune: Thirdly, That on the day of the nomination of the said candidates, to wit, on the twenty-ninth December last, when the said James Dickson, Esquire, had called for the show of hands in favor of the said Antoine Polette, Esquire, he, the said James Dickson, Esquire, was so partial, and shewed so little circumspection, as to say to the Electors, "Thank you, Gentleman;" but took great care not to say the same thing to the partisans of the said Pierre Benjamin Dumoulin, the Petitioner: Fourthly, That on the first day of polling, the third of January last, the said James Dickson, Esquire, obstinately refused to take the vote of a duly qualified Elector, François Pichette, who offered it in favour of the Petitioner, under the false pretext that there was a warrant of arrest against the said François Pichette, and after it had been agreed upon by the two candidates with the said James Dickson, that the execution of the said warrant would be suspended, and perfect tranquility prevailed at the time,--an entry was then made in the Poll Book of the refusal of the said James Dickson; the object of the said James Dickson being, very evidently, to try by that means to leave the Petitioner in the minority on the first day, as it is generally acknowledged in the said Town that the candidate having the minority on the first day is certain of being defeated: Fifthly, That the Petitioner had a minority of twelve votes on the evening of the first day, and that on the following day until about three o'clock in the afternoon, he was still in a minority of ten, and that the said James Dickson then declared that he had never seen an Election so well contested and so well and peaceably conducted; but that about half or three quarters of an hour afterwards, fourteen of the Petitioner's friends having come forward to poll their votes, gave the Petitioner a majority of four in about a quarter of an hour; that the said James Dickson, Esquire, became then very much annoyed, and immediately, as he said, proceeded privately to draw up a Special Return under the dictation of the said Antoine Polette, Esquire, and at four o'clock, one hour before the time prescribed by law, with the consent of and accompanied by the said Antoine Polette, left the hustings without in the least notifying the Petitioner, who in fact only discovered that the said James Dickson and Antoine Polette, Esquires, had retired, on being informed thereof by some of his friends, as the hustings were held in a room apart from the crowd, and that the said James Dickson did not declare the Petitioner duly elected, nor did he give any information to the Electors respecting the state of the Poll, or his proceedings: That the Petitioner further represents, that he remained at the hustings until five o'clock in the afternoon, that several persons came forward to vote for him, but that their votes could not be enregistered on account of the absence of the said Returning Officer; and praying that the House will take this Petition into consideration, and do justice to him in the premises, and that for that purpose the said James Dickson, Esquire, be ordered to render an account of his partial and unjust conduct towards the Petitioner as aforesaid, and that the Petitioner be permitted to prove the truth of the allegations of this his Petition.

Of Mrs. Elizabeth L. Cushing, of the City of Montreal; representing that her husband, the late Doctor F. Cushing, died of typhus fever contracted by him whilst in attendance as Medical Officer at the Emigrant Hospital in this City, during the past year, and praying for a pension.

Of William Evans, of Côte St. Paul, in the Parish of Montreal; representing the embarrassment which has resulted to him in consequence of the devotion of his time and money to the promotion of the interests of Agriculture, and praying relief.

Of M. A. Primeau and A. H. Trottier, of the Parish of Ste. Martine, in the County of Beauharnois, merchants; praying the passing of an Act to authorize them to build a Toll Bridge over the River Chateauguay.

Of John Molson, Esquire, Chairman of the Committee of management of the Company of proprietors of the Champlain and St. Lawrence Railroad; praying to be relieved from the operation of the 48th clause of the Act 8 Vic. cap. 59, amending the Act Incorporating the City of Montreal,--or for a general law to relieve all corporate bodies having a right to hold Ferries from the operation of the said clause.

Of Luc Hyacinthe Masson and others, of the Township of Dundee, in the County of Beauharnois; praying that their complaints and charges as School Commissioners, and the proceedings had thereon against John M'Gibbon, may be laid before the House, and that they may be relieved from their obligation to pay School Teachers hired by them as such Commissioners.

Of Hugh C. Baker, President, and others, the Vice President and Directors of the Canada Life Assurance Company; praying for an Act of

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Incorporation.

Of Jeffery Hale, Esquire, and others, Members of the Quebec British and Canadian School Society; praying the usual grants in support of the Male and Female departments of the said Institution.

The petition²⁵ ((of John Wellington Gwynne))...((was)) read by the Clerk.²⁶

MR. MORIN--pointed out that it was not dated.²⁷

SIR A. MACNAB--contended that the petition could not therefore be received. A petition of such importance as this ought not to be amended after it was brought into the House.²⁸

MR. NOTMAN--accused the hon. member for Hamilton with attempting to quash allegations contained in the petition by a mere quibble. The hon. member petitioned against, desired, he was sure, that a full and fair investigation be made into the charges brought against him in the petition. He hoped he would be allowed to do what was done every day in the House, and amend the petition.²⁹

MR. H. SHERWOOD (Toronto)--apprehended that the hon. member for Middlesex had no right to ask to be allowed to amend the petition; but he might ask the House to receive the petition as it was, and allow it to go to a committee without amendment. There was nothing whatever to

show whether the petition had been drawn up before or after the late election.³⁰

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Mr. Notman moved, seconded by Mr. Wetenhall, and the Question being put, That the Petition of John Wellington Gwynne, of the City of Toronto, Esquire, complaining of the undue Election and Return of the Honorable William Cayley to represent the County of Huron in Parliament, be now received.

SIR A. MACNAB--assured the hon. member for Middlesex that he was never more mistaken than in supposing that they desired to prevent investigation into this matter. All they wanted was, that it should be conducted in a fair and proper manner. In the English House of Commons, petitions were frequently rejected because they were not dated.³¹

COL. PRINCE--thought the petition ought to be received, and it was quite evident to every man of sense that the petition had been drawn up since the last election.³²

SIR A. MACNAB--contended that after a petition was once presented to the House by an hon. member, it could not be altered without the unanimous consent of the House.³³

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The House divided; and it was resolved in the Affirmative.

The said Petition was accordingly received and read; setting forth:-- That at the last General Election of Members to serve in the House, the Petitioner was a candidate for the representation of the County of Huron, qualified to serve as Member thereof during the present Parliament: That John Macdonald, Esquire, Sheriff of the Huron District, was the Returning Officer at the said Election, and was a supporter of the Honorable William Cayley, who was the only other candidate for the representation of the said County, and is now the sitting Member therefor, and the said John Macdonald, at the said Election voted for the said Honorable William Cayley: That the said John Macdonald, disregarding his duty as such Returning Officer, and the statute in that behalf enacted, did not by warrant under his hand and seal appoint a Deputy, and also a Poll Clerk, for each and every of the Townships within such County, but on the contrary thereof, he the said John Macdonald, although being such Returning Officer, did nevertheless issue in blank, signed with his name and sealed with his seal, several of the warrants and precepts required by law to be signed, sealed and executed by him; and he delivered such warrants and precepts respectively, signed with his name, and sealed with his seal of office, as such Returning Officer, without the name of any person therein appointed or named as such Deputy Returning Officer or Poll Clerk, to persons by him the said John Macdonald employed to convey such warrants and precepts to several of the Townships in the said County; and each and every such persons so employed were supporters of the said Honorable William Cayley, and they were instructed by the said John Macdonald to consult with, and they did accordingly, consult with divers persons such as they should and did conceive to be favorable to the return of the said Honorable William Cayley, and some of such persons

with whom they so consulted, and who were supporters of and did subsequently vote for the said Honorable William Cayley, did, with the view of promoting and advancing the said Honorable William Cayley's chance of success at such Election, nominate, and with their own hands insert in such warrants and precepts so respectively as aforesaid signed and sealed in blank by the said Returning Officer, the names of several of the Deputy Returning Officers and Poll Clerks who took the Poll at several of the Townships in the said County, and who were known to be agents of the said Honorable William Cayley, and to have taken a part in endeavouring to secure his return; and several of the persons so employed by the said Returning Officer to convey such warrants and precepts as aforesaid, did fill up such warrants and precepts respectively in their own hands and at their own suggestion, and at the suggestion of others whom they respectively knew to be favorable to the return of the said Honorable William Cayley, with the names of persons who were known to be partisans of or favorable to the return of the said Honorable William Cayley: That David Clarke, Esquire, a Justice of the Peace and Deputy Returning Officer of the Township of Colborne, in the said County, at the said Election, was a member of the said Honorable William Cayley's Committee formed to secure his return, and the said David Clarke acted as the agent of the said Honorable William Cayley, and as a member of such his Committee, both before and during the said Election; and after having, as Deputy Returning Officer at the said Election, sworn in two special Constables to keep the peace at the taking of the Poll in the said Township, he the said Deputy Returning Officer acting for and on behalf of and as the agent of and as a member of the Committee of the said Honorable William Cayley, sent one of the said special Constables, so sworn in as aforesaid, with the sleigh of him the said David Clarke which said sleigh was engaged by the said Honorable William Cayley's said Committee, at his expense, to bring up voters to the Poll in the said Townships, who should agree to vote for the said Honorable William Cayley, and the said David Clarke so being such Deputy Returning Officer, gave special instructions to the said Constable, so sworn in as aforesaid, to bring up none but persons who should agree to vote for the said Honorable William Cayley, and the said Constable did accordingly, in pursuance of such instructions, go out for, collect, and bring in, a large number of voters, who polled their votes for the said Honorable William Cayley in the said Township, although they otherwise would not have done so: That John Hawkins, the Deputy Returning Officer of the Township of Ashfield, was a partisan and agent of the said Honorable William Cayley, and, as the Petitioner believes, a member of the Committee appointed to secure his return; that as such Deputy Returning Officer, he refused, although requested by the agent of the Petitioner, to administer the oaths required by law to be taken by voters at the election of Members to serve in the House; and his object in so doing was to suffer, as he in fact did thereby suffer, to be polled many illegal votes for the said Honorable William Cayley; that the said John Hawkins, during the taking of the Poll in the said Township, acted as the agent of the said Honorable William Cayley; and the said John Hawkins, although such Deputy Returning Officer, when a vote was given in favor of the said Honorable William Cayley, cheered and applauded the party

so voting in an audible manner, and so as to influence other parties present at the place of taking such Poll for the purpose of registering their votes; and to such an extent did the said Deputy Returning Officer exhibit his partiality at the said Election, and use his influence in favor of the said Honorable William Cayley, that he ordered and compelled the Poll Clerk at the Election in the said Township, to record the vote of one Aaron Wright in favor of the said Honorable William Cayley, although the said Aaron Wright gave his vote for, and clearly expressed his intention to the said Deputy Returning Officer, of giving his vote for the Petitioner; that such the conduct of the said John Hawkins at the said Election, had the effect of inducing, and did induce many persons to vote for the said Honorable William Cayley who previously had expressed their intention to vote, and otherwise would have voted for the Petitioner: That the Deputy Returning Officer of the Township of Logan was a partisan and agent of the said Honorable William Cayley; that he did not keep his Poll open according to law, but illegally closed and abandoned the same, for the purpose of enabling him to, as he in fact did, go out and canvass for, and act as the agent of and scrutineer for the said Honorable William Cayley in the adjoining Townships, in bringing up voters for the said Honorable William Cayley, to the Poll in such Townships, and in investigating the right to vote of per-

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sons known or believed to be favorable to the Petitioner, and in causing the oaths required by law to be administered to such persons: That James Hodgins, Esquire, a Justice of the Peace and Deputy Returning Officer of the Township of Biddulph, was a partisan and agent of and voted for the said Honorable William Cayley; that upon the occasion of his directing the Poll Clerk to record his (the said Deputy Returning Officer's) vote, the agent of the Petitioner objected to his recording such vote, unless the said Deputy Returning Officer should take the bribery oath, which the Petitioner's said agent being a Justice of the Peace, was then and there ready and competent to administer; and the said Deputy Returning Officer refused to take such oath and notwithstanding, compelled the said Poll Clerk to record such vote for the said Honorable William Cayley; and the said Deputy Returning Officer also illegally closed his Poll and abandoned the same, and went over to the adjoining Township of M'Gillivray, for the purpose of enabling him to, as he in fact did, canvass for and bring up voters to the Poll for, and act as the agent of and scrutineer for the said Honorable William Cayley, in the said Township of M'Gillivray, where the said James Hodgins had great influence among the voters: That Isaac Moodie, the Deputy Returning Officer of the Township of M'Gillivray, was a partisan and agent of and voted for the said Honorable William Cayley; that upon the occasion of his directing the Poll Clerk of the said Township to record such vote, the agent of the Petitioner in such Township required him (the said Deputy Returning Officer) to abstain from voting, unless he should first take the bribery oath; that immediately upon such demand being made by the Petitioner's said agent, the said Deputy Returning Officer forcibly compelled the Petitioner's said agent, against his will, to leave the room wherein the Poll in the said Township was being taken, and kept him excluded from such room in the charge of a constable until

he (the said Deputy Returning Officer) recorded his own vote, and caused to be recorded for the said Honorable William Cayley, the vote of one Patrick Flanagan, who had no vote, as the said Deputy Returning Officer well knew: That the Poll Clerk for the Township of Stanley, appointed by the said John Macdonald, Esquire, as such Returning Officer, was not the person who acted as Poll Clerk during the whole time of the Poll being taken in the said Township, but during a great part of such time, one Daniel Brownson acted as Poll Clerk in the said Township, without any legal appointment: That Robert Bell, Esquire, a Justice of the Peace and Deputy Returning Officer of the Township of Usborne, was a partisan and agent of the said Honorable William Cayley; that he illegally closed his Poll in the said Township for the purpose of enabling him to, as he in fact did, go over to the Township of Hay, and vote and canvass for and bring up votes to the Poll for and act as the agent of the said Honorable William Cayley: That besides being guilty of such partial and improper conduct as aforesaid, the said Deputy Returning Officers, in the said several Townships herein mentioned, from the commencement of the canvass, and during the said Election, gave many notorious and repeated proofs of their attachment to the said Honorable William Cayley, and of their being respectively his agents, and such the conduct of the said Deputy Returning Officers had the effect of preventing a free and impartial Election being had in the said several Townships, and by means thereof the said Honorable William Cayley obtained his majority over the Petitioner; and praying that the House will cause an enquiry to be made into the several matters and things hereinbefore stated, and that the House will be pleased to make such order in the premises, as to the House shall seem fit and best calculated to sustain the purity and independence of the House, and to ensure a free and impartial Election being held of Members to serve therein; and that, for the reasons herein appearing, the said Election so held in and for the County of Huron, and the Return made thereon to the House, may be declared to be void.

MR. G. SHERWOOD (Brockville)³⁴ withdrew the petitions³⁵ by consent of the House³⁶ against the return of the hon. Robert Baldwin for the Fourth Riding of York, as he understood the petitioners did not intend to proceed in the matter.³⁷

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Berthier
Election.

The Honorable Mr. Papineau moved, seconded by Mr. Dumas, That the Petition of Maurice H. Beaulieu and others, Electors of the County of Berthier, complaining of the undue Election and Return of David M. Armstrong, Esquire, to represent the said County in this Parliament, be now received.

MR. DRUMMOND³⁸--objected to...((the petition)) on the ground that the sureties were not perfect and formal.³⁹

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Mr. Drummond moved in amendment, seconded by Mr. Chabot, That the word "now" in the said Motion, be struck out, and the word "not" substituted.

MESSRS. PAPINEAU and DUMAS--opposed ((the amendment.))⁴⁰

MESSRS. GUGY, CHABOT, and CHAUVEAU--supported the amendment⁴¹.

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*The Question being put on the Motion of amendment, the House divided; and it was carried in the Affirmative.*⁴²

The Question being then put on the main Motion, as amended, it was also agreed to.

Resolved, That the Petition of Maurice H. Beaulieu and others, Electors of the County of Berthier, complaining of the undue Election and Return of David M. Armstrong, Esquire, to represent the County of Berthier in this Parliament, be not received.

M. CHRISTIE⁴³--fait motion que le greffier de la couronne en chancellerie soit nommé de comparaître devant la chambre et de produire le retour du writ d'élection pour Bonaventure⁴⁴.

Cela...fut fait.⁴⁵

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Bonaventure Election.

Mr. Chabot⁴⁶ moved, seconded by Mr. Cauchon, That the Petition of A. Bebee and others, Electors of the County of Bonaventure, complaining of the undue Election and Return of William Cuthbert, Esquire, to represent the said County in this Parliament, be now received.

MR. CHRISTIE--called attention to this petition which alleged neither bribery, corruption or any undue influence in his election against the sitting member, but merely asserted that the Returning Officer was not duly qualified by law to fill that office. The Returning Officer, however, had taken the oath that he was duly qualified; and even if he had not been qualified that was no reason for turning the rightful representative of Bonaventure, the choice of the electors, from his seat. The petition then went on to say that the Returning Officer had refused to appoint a deputy for the township of Mann. Now what would the House say when he explained to them what the township of Mann was? According to the census of 1844--the last census--⁴⁷

MR. CAUCHON--rose to order. The question before the House was not concerning the merits of the petition, but whether or not it should be received.⁴⁸

MR. CHRISTIE--The House could not judge of the petition unless he explained what the township of Mann was.⁴⁹

MR. CAUCHON--again called the hon. member to order, and appealed to the Speaker.⁵⁰

MR. MORIN--decided that the hon. member ought to confine himself to what appeared on the face of the petition.⁵¹

MR. CHRISTIE--was doing so. (Hear, hear.) The township of Mann in 1844 had 8 proprietors of land (hear, hear); and when it was proposed to confer a municipality on it, it was found not to contain the required 300 inhabitants, and had been incorporated with two neighboring towns; and for

that reason a separate poll had not been held in it. He objected to the reception of the petition because it had not been presented 14 days after the first meeting of Parliament--because the petitioners were not electors of the county at the time of the election--because the oaths required by law to be taken by the petitioners were not set forth at length and apart from the certification of the Judge who administered them; and the most fatal objection of all was, that when the petition was presented to the House the seal of the Judge was not appended to the certificate. He had examined the petition at the time, and so had other hon. members, and he was ready to take his oath that the seal was not on it at the time, but that it had been put on since the petition was brought into that House.⁵² He also stated that one of the Clerks of the House⁵³, ((the one)) who had copied the petition for him was also prepared to take his oath that the seal was not there at the time it was presented.⁵⁴ Several hon. members entertained the same conviction; and desired that an enquiry should be instituted by the House.⁵⁵

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Mr. Christie moved in amendment, seconded by Mr. Seymour, That the word "now" in the said Motion, be struck out, and the word "not" substituted.

MR. CHABOT--addressed the House in French, defending the petition, and positively asserting that the seal was on the petition at the time he presented it.⁵⁶

MR. CHRISTIE--said that the hon. member for Quebec had used a word in application to him which he considered very impertinent (order, order); the word "effrontery." He had also boldly asserted that the seal was to (sic) the petition on the day he presented it: he (Mr. C.) could prove to the satisfaction of a Committee of the House that it was not there.⁵⁷

COL. GUGY--addressed the House, first in French, and then very briefly in English, in reply to Mr. Chabot.⁵⁸

MR. CHRISTIE--((made an appeal to Mr. Armstrong.))⁵⁹

MR. ARMSTRONG--, in reply...((to)) Mr. Christie, stated to the House that he had examined the petition when it was presented, and, to the best of his memory, the seal was not there at that time.⁶⁰

MR. H. SHERWOOD--spoke at some length, urging the propriety and the necessity of an investigation being made into the matter, to ascertain that if that seal had been appended since the petition was presented, and if so, by whom.⁶¹

MESSRS. CHABOT and CHAUVEAU--addressed the House in French.⁶²

MR. NOTMAN--was delighted at the indignation expressed by the hon. member for Toronto on this occasion: he hoped the hon. member would assist him in demanding an investigation into the circumstance attending the mysterious abstraction from the table of the House of the resolutions he had submitted in the case of the Oxford election. (Loud cries of "Hear, hear.")⁶³

MR. H. SHERWOOD--thought that the allusion to the Oxford election was unfortunate, as such a decision as that had never been made in the House before; it was a violation of all law and principle, it was the most outrageous and violent exercise of power that was ever committed by any Legislature. (Loud cries of order, order.) He was prepared to maintain it, publicly and privately.⁶⁴ Derisive cries of hear, hear.⁶⁵ Aye, "hear, hear." they should hear a great deal more upon this subject. (Derision.) They might depend upon it, and those who were inexperienced should have their eyes opened before the session was over. (Derisive cheers.)⁶⁶

Several members addressed the House in French urging the postponement of the discussion to give time for some enquiry to be made.⁶⁷

MR. CHRISTIE--was willing to postpone his motion.⁶⁸

Some further debate ((was)) shared in by MESSRS. NELSON, J. S. MACDONALD, (Glengarry), H. SHERWOOD⁶⁹, DRUMMOND⁷⁰, and others⁷¹.

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On motion of Mr. Drummond, seconded by Mr. Morrison,

Ordered, That the further consideration of the said Motions be postponed until to-morrow.

On motion of Mr. Chabot, seconded by Mr. Cauchon,

Quebec City
Writ.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the City of Quebec, in the room and place of the Honorable Thomas Cushing Aylwin, Esquire, who, since his Election, hath accepted the Office of Her Majesty's Solicitor General for that part of the Province heretofore Lower Canada.

On motion of Mr. Holmes, seconded by Mr. Jobin,

Montreal City
Writ.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the City of Montreal, in the room and place of the Honorable Louis Hypolite LaFontaine, Esquire, who, since his Election, hath accepted the Office of Her Majesty's Attorney General for that part of the Province heretofore Lower Canada.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Richards,

York, North
Riding, Writ.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the North Riding of the

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County of York, in the room and place of the Honorable Robert Baldwin, Esquire, who, since his Election, hath accepted the Office of Her Majesty's

Attorney General for Upper Canada.

On motion of Mr. Morrison, seconded by Mr. Smith of Durham,
York, South Ordered, That Mr. Speaker do issue his Warrant to
Riding, Writ. the Clerk of the Crown in Chancery, to make out
 a new Writ for the Election of one Member to
 serve in the present Provincial Parliament for the South Riding of the
 County of York, in the room and place of James Hervey Price, Esquire, who,
 since his Election, hath accepted the Office of Her Majesty's Commissioner
 of Crown Lands for this Province.

On motion of Mr. Dumas, seconded by Mr. Davignon,
Terrebonne Ordered, That Mr. Speaker do issue his Warrant to
Writ. the Clerk of the Crown in Chancery, to make out
 a new Writ for the Election of one Member to
 serve in the present Provincial Parliament for the County of Terrebonne,
 in the room and place of the Honorable Louis Hypolite LaFontaine, Esquire,
 who, since his Election, hath accepted the Office of Her Majesty's Attorney
 General for that part of the Province heretofore Lower Canada.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Richards,
Stormont and Ordered, That the Orders of this House of Thursday
Cornwall the ninth instant, on the subject of the Con-
Elections. troverted Elections for the County of Stormont,
 and for the Town of Cornwall, be rescinded; and
 that a notice in writing, embracing the substance of this motion, be
 forthwith given by Mr. Speaker to the Petitioners, and to the sitting
 Members.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Richards,
Stormont Ordered, That the Petition of D. A. Macdonell, Esquire,
Election. candidate at the late Election of a Member for
 the County of Stormont, and others, Electors of
 the said County, complaining of the undue Election and Return of Alexander
M'Lean, Esquire, to represent the said County in this present Parliament,
 be taken into consideration by this House, on Friday the seventeenth day
 of March instant, at the hour of four o'clock, P.M.; and that notice to that
 effect in writing, be forthwith given by Mr. Speaker to the Petitioners,
 their counsel, or agent, and to the sitting Member, according to the provi-
 sions of the second clause of an Act passed by the Parliament of Upper Canada,
 during the fourth year of the Reign of His late Majesty George the Fourth,
 chapter four.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Holmes,
Cornwall Ordered, That the Petition of Charles Rattray, Es-
Election. quire, and others, Electors of the Town of Corn-
 wall, complaining of the undue Election and
 Return of the Honorable John Hillyard Cameron, Esquire, as a Member to
 represent the said Town of Cornwall in this present Parliament, be taken
 into consideration by this House, on Friday the seventeenth day of March

instant, at the hour of five o'clock, P.M.; and that notice to that effect, in writing, be forthwith given by Mr. Speaker to the Petitioners, their counsel, or agent, and to the sitting Member, according to the provisions of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the reign of His late Majesty George the Fourth, chapter four.

On motion of Mr. Wetenhall, seconded by Mr. Notman,

Prince Edward Election.

Resolved, That leave be granted to withdraw the Petition of Roger B. Conger, Esquire, and others, Electors of the County of Prince Edward, complaining of the undue Election and Return of David B. Stevenson, Esquire, to represent the said County in this Parliament.

And the said Petition was then withdrawn.

On motion of Mr. Drummond, seconded by Mr. Morrison,

Verchères Writ.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the County of Verchères, in the room and place of James Leslie, Esquire, who, since his Election, hath accepted the office of Chairman of the Committee of the Executive Council of the Province of Canada.

MR. HOLMES⁷²---...gave notice of a Bill to extend all expiring laws to the next Session.⁷³

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Expiring Laws Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to continue for a limited time certain Acts therein mentioned; and that the Rules of this House be suspended as to the present Bill.

He accordingly presented the said Bill to the House,

M. CHAUVEAU--demanda si par ce bill on continuait aussi les lois des banqueroutes.⁷⁴ ((Il)) fait remarquer que le membre pour Rouville a présenté un bill pour changer la loi des banqueroutes. Ce bill a été mis devant la chambre et il espère que cette fois la chambre ne fera pas comme dans une circonstance précédente⁷⁵. Il fit observer que l'année dernière tandis que par le nouvel acte des municipalités on avait abrégé l'ancien, on l'avait en même temps continué par l'acte continuant les lois expirantes. Cette année il y avait devant la chambre un projet de loi pour rappeler l'acte des banqueroutes.⁷⁶ Il espère que le membre pour Rouville tiendra à son projet au sujet de la loi des banqueroutes.⁷⁷

DR. DAVIGNON--répond qu'il y tient de fait.⁷⁸

M. RUMMOND--observe que l'administration étant à peine formée n'a pu encore s'entendre sur des mesures aussi importantes. Il faut lui donner le temps de mûrir ses mesures et ne pas le forcer de les passer à la hâte, parce qu'il pourrait s'en suivre des imperfections. Il prie ses honorables amis pour le comté de Québec et de Rouville de ne pas embarrasser l'adminis-

tration nouvelle dans la circonstance où elle se trouve, dans la nécessité où elle se voit de tout reformer. Il espère que ces messieurs comprendront sa position et ne persisteront pas à lui donner de l'ouvrage immédiatement, plus qu'elle ne peut en faire.⁷⁹ ((Il)) exprima l'espoir que le Dr. Davignon l'auteur...((du)) bill ((des banqueroutes)) n'en presserait point la passation tandis que les ministres n'étaient pas à leur poste.⁸⁰

MM. CHAUVEAU et DAVIGNON--soutenaient qu'une mesure aussi urgente demandée par tout le commerce devait faire exception.⁸¹

Plusieurs membres tant du Haut que du Bas-Canada s'exprimèrent fortement en faveur du rappel de la loi des banqueroutes.⁸²

DR. DAVIGNON--fit observer qu'il serait inséré dans son projet une clause qui pourvoirait à continuer les affaires commencées.⁸³

M. CHAUVEAU--dit que le monsieur qui défend si bien l'administration absente, qui semble la représenter, qui semble son organe, doit savoir que ceux qui la composent ne viennent ni de LaChine, ni du Japon, et que par conséquent, ils ne soissent pas des étrangers aux grandes mesures, ils doivent les avoir déjà examinées. Car plus les mesures sont importantes, plus ils ont dû s'en occuper et plus il est urgent de les passer sans délai. Après tout, que l'administration soit responsable tant qu'on voudra, cela n'empêche pas que tous les membres de cette chambre sont aussi responsables au peuple, et ils doivent presser les mesures qui tendent à le soulager et cela immédiatement.⁸⁴

M. DRUMMOND--((dit quelque mots.))⁸⁵

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and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Petition of L. Lawrason and others.

Ordered, That the name of Mr. Cameron of Kent be struck out of the list of the Members forming the Select Committee to which was referred the Petition of L. Lawrason and others, of the Town of London, and that the name of Mr. Notman be substituted; and, also, that the said Committee have leave to report by Bill or otherwise.

MR. CHABOT⁸⁶--then moved the postponement of the orders of the day, but consented to withhold it to allow Sir Allan MacNab to make a motion of which he had given notice.⁸⁷

MR. H. SHERWOOD--insisted on his motion to bring in a bill to repeal the Usury Laws, which stood before Sir Allan MacNab's motion on the notice list, taking precedence.⁸⁸

MR. CHABOT--therefore pressed his motion.⁸⁹

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Orders deferred.

Mr. Chabot moved, seconded by Mr. Beaubien, and the Question being put, That the Orders of the day be postponed until to-morrow.

The House divided:--

Yeas, 23.

Nays, 16.

So it was carried in the Affirmative.

Ordered, *That the Orders of the day be postponed until to-morrow.*

*Then, on motion of Mr. Laurin, seconded by Mr. Guillet,
The House adjourned. 90*

APPENDIX: 13 MARCH 1848.

((NOTICE OF MOTION RE: SUPPLY.))⁹¹

MR. DRUMMOND gave notice that on to-morrow he would move that a supply be granted to Her Majesty.⁹²

((QUESTION AND ANSWER RE: PROROGATION.))⁹³

MR. H. SHERWOOD (Toronto) inquired of the hon. gentlemen opposite whether a short session was anticipated? in what position they really were?⁹⁴ quel jour la chambre serait-((elle)) prorogée⁹⁵?

MR. DRUMMOND stated that the session would be brought to a close in a very few days⁹⁶; ce serait à la fin de cette semaine ou au commencement de la prochaine⁹⁷ probably within a week, but it was impossible, at present, to name the precise day. But as soon as the session could be brought to a close consistently with the despatch of some business before the House, a prorogation would take place⁹⁸ as in consequence of the absence of all the Ministers for re-election, and the impossibility of their being prepared with any government measures--it would be quite inconvenient to protract the sitting of the Legislature.⁹⁹

((PETITION PRESENTED FOR THE RENEWAL OF NIAGARA AND DETROIT RIVERS RAILROAD CHARTER.))

MR. MCFARLAND ((presented the petition)) for the renewal of the Niagara and Detroit Rivers Railroad Charter.¹⁰⁰

The petition ... ((was)) read¹⁰¹.

COL. PRINCE rose and pronouncing the document a "tissue of gross and malignant falsehoods," he ... ((attacked))¹⁰² the hon. member for Welland for presenting such a petition and especially for not previously showing it to him. He then went on to consider the petitioners--"Who are they?" asked the Colonel, "why Mr. Speaker, two or three petty shopkeepers in a paltry little village called Bertie--a dirty little fishing place with half a dozen houses in it!" And these people, forsooth, to tell ME that I betrayed trust with them! that THEY entrusted me with carrying through the Railroad Charter!! That I did not consult them!! Was ever such assumption--such impudence heard of? Mr. Speaker, I brought in the Charter myself, of my own free will and accord--I advertized my intention to apply, through the Gazette--I asked no one's consent. But forsooth I must consult these people before I withdraw my own Bill! Such impudence! What care I for the people of Bertie, or all the people of "glorious old Norfolk, to boot?" A parcel of whiskey makers and fishers of black bass!!!¹⁰³

MR. MCFARLAND replied. He had only done his duty in presenting the petition, and knew no claim Col. Prince had to be previously consulted as to its presentation.¹⁰⁴

((WITHDRAWN MOTION RE: NICOLET ELECTION.))¹⁰⁵

M. PAPINEAU retira la requête qu'il avait présentée pour M. Cressé qui

voulait disputer au Dr. Fortier le siège de Nicolet.... ((La requise)) n'était accompagnée d'aucune des formalités voulues par la loi.¹⁰⁶

((POSTPONED MOTIONS RE: OXFORD ELECTION PETITION.))¹⁰⁷

MR. NOTMAN OR MR. HOLMES¹⁰⁸ moved that the petition of Peter Carroll, Esq., against the return of the hon. Francis Hincks for the County of Oxford be taken into consideration on Wednesday, March 15th, at 4 o'clock in the afternoon.¹⁰⁹

SIR A. MACNAB said Mr. Carroll had no objection; the sooner the better for him, as he wished to proceed home; but he had not completed his recognizances, which however he would do early in the morning¹¹⁰, therefore--¹¹¹

MR. NOTMAN and MR. DRUMMOND ... ((stated)) that Mr. Hincks¹¹² the sitting member¹¹³ would waive the recognizances¹¹⁴.

SIR A. MACNAB on the part of Mr. Carroll assented to the motion¹¹⁵.

MR. CAMERON contended that this question could not be put. Mr. Hincks could not waive the recognizances; he had nothing whatever to do with the seat.¹¹⁶ Mr. Hincks had vacated his seat, and therefore, the House knew nothing of Mr. Hincks, in the matter before it. The only way the petition could be proceeded in was by the Speaker giving notice to the electors¹¹⁷ of Oxford¹¹⁸ to come in and defend the seat. The motion was out of order.¹¹⁹

MR. NOTMAN contended that the motion was out of order. The electors of the county of Oxford were not defending Mr. Hincks' seat, he was defending it himself. Mr. Carroll had petitioned against Mr. Hincks, none of the electors were before the House, they had made no application.¹²⁰

MR. H. BOULTON said the case had great difficulty. They were without any exact law to meet the precise case, and therefore must act in the spirit of the law, if they had not the letter to guide them. He thought Mr. Hincks might be allowed to enter the House, for the purpose of defending his seat. He cited cases which he considered supported him in his opinion. But if they had no precedent to meet the case, he thought they had better establish one, as they had done in another instance; but yet he warned the House of the danger they would incur if they exceeded their power. He thought the subject had better be postponed for consideration, and recommended that it should be referred to a select committee.¹²¹

SIR A. MACNAB thought that if the recognizances had been entered into, this motion would be in order.¹²² The House was entirely convinced in this matter by the Grenville Act.¹²³

MR. DRUMMOND considered the Grenville Act had nothing to do with the question, because it did not provide for its settlement.¹²⁴ ((He)) supported the motion¹²⁵.

MR. RICHARDS took a "common sense", not a legal view of the question, which we could not understand. He said Mr. Hincks could be a member for the purpose of defending his seat, although he could not be a member for any other purpose.¹²⁶ ((He supported the motion.))¹²⁷

MR. CAMERON (Cornwall) said the House could not receive the motion

unless indeed they wished to become an entirely new precedent parliament, and in every case where the majority wished they intended to do as they pleased. The House could know nothing of Mr. Hincks. They could not treat him as a member for one purpose and not for another. He thought Mr. Hincks could petition that his seat be defended.¹²⁸

It was ultimately agreed to reconsider the matter ... Tuesday¹²⁹.

FOOTNOTES: 13 MARCH 1848.

1. MONTREAL TRANSCRIPT, 14 March 1848, observed: "The House was occupied entirely with routine business--presentation and reading petitions being the order of the evening.... The new Members of the Executive Council were not present in the House yesterday, in consequence of having resigned their seats, until re-elected, in taking office; but they were nearly all seen at different periods of the evening behind the Speaker's chair." The GLOBE, 22 March 1848, commented that "Mr. Drummond led the House, and did so with great ability."
2. BRITISH WHIG, 18 March 1848, copying MONTREAL HERALD, identified the mover as Mr. Cauchon.
3. The debate on this motion was reported in: PILOT, 16 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts; MONTREAL GAZETTE, 15 March 1848, and ST. CATHARINES JOURNAL, 23 March 1848, in identical accounts; BRITISH WHIG, 18 March 1848, who copied its account from the MONTREAL HERALD; LE CANADIEN, 17 March 1848; and L'AUREORE, 17 March 1848, which noted the debate. According to MONTREAL GAZETTE, 15 March 1848, "a considerable debate" took place on this matter. BRITISH WHIG, 18 March 1848, elaborated as follows: "The argument which was of a purely technical nature of no interest, and even almost unintelligible to any but a lawyer, was continued for some time."
4. PILOT, 16 March 1848.
5. MONTREAL GAZETTE, 15 March 1848.
6. PILOT, 16 March 1848.
7. BRITISH WHIG, 18 March 1848.
8. PILOT, 16 March 1848.
9. BRITISH WHIG, 18 March 1848.
10. PILOT, 16 March 1848.
11. BRITISH WHIG, 18 March 1848.
12. PILOT, 16 March 1848.
13. LE CANADIEN, 17 March 1848.
14. PILOT, 16 March 1848.
15. BRITISH WHIG, 18 March 1848.
16. PILOT, 16 March 1848.
17. LE CANADIEN, 17 March 1848, which noted that Mr. Dumas made similar statements.
18. PILOT, 16 March 1848.
19. LE CANADIEN, 17 March 1848.
20. PILOT, 16 March 1848.
21. IBID.
22. LE CANADIEN, 17 March 1848.
23. PILOT, 16 March 1848.
24. IBID.
25. The debate on this matter was reported in: PILOT, 16 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts.
26. PILOT, 16 March 1848.
27. IBID.
28. IBID.
29. IBID.
30. IBID.

31. IBID.
32. IBID.
33. IBID.
34. This matter was reported in: PILOT, 16 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 14 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts; MONTREAL GAZETTE, 15 March 1848, and ST. CATHARINES JOURNAL, 23 March 1848, in identical accounts; LE JOURNAL DE QUEBEC, 16 March 1848; GLOBE, 22 March 1848; and L'AUREORE, 17 March 1848.
35. PILOT, 16 March 1848.
36. MONTREAL GAZETTE, 15 March 1848.
37. PILOT, 16 March 1848.
38. The debate on this matter was reported in: PILOT, 16 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts; and LE CANADIEN, 17 March 1848, which noted the debate. PILOT, 16 March 1848, reported that "the discussion was entirely in French".
39. PILOT, 16 March 1848.
40. IBID.
41. IBID.
42. IBID., which noted: "by a large majority".
43. The debate on this motion was reported in: MONTREAL GAZETTE, 15 March 1848, and ST. CATHARINES JOURNAL, 23 March 1848, in identical accounts; PILOT, 16 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 14 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts; and L'AUREORE, 17 March 1848. MONTREAL TRANSCRIPT, 14 March 1848, observed: "several hours were occupied in warm discussion relative to the petition against the return of the hon. member for Bonaventure". LE CANADIEN, 17 March 1848, described the discussion as "très animée et presque personnelle"; MONTREAL GAZETTE, 15 March 1848, reported that it was "angry".
44. L'AUREORE, 17 March 1848.
45. IBID.
46. The MONTREAL GAZETTE, 15 March 1848, confused this motion with the previous one on the Berthier Election petition and mistakenly identified the mover as Papineau and the seconder as Chabot.
47. PILOT, 16 March 1848.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. MONTREAL GAZETTE, 15 March 1848.
54. PILOT, 16 March 1848.
55. MONTREAL GAZETTE, 15 March 1848.
56. PILOT, 16 March 1848.
57. IBID.
58. IBID.
59. IBID.
60. IBID.

61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. LE CANADIEN, 17 March 1848.
71. PILOT, 16 March 1848.
72. The debate on this matter was reported in: LE CANADIEN, 17 March 1848; L'AUREORE, 17 March 1848; and GLOBE, 22 March 1848, which also contained a brief commentary. The PILOT, 16 March 1848, noted the debate in the following terms: "A warm and irrelevant discussion on the Bankrupt Act took place on a motion being made by Mr. Holmes to bring in a bill to extend certain expiring laws."
73. GLOBE, 22 March 1848.
74. LE CANADIEN, 17 March 1848.
75. L'AUREORE, 17 March 1848.
76. LE CANADIEN, 17 March 1848.
77. L'AUREORE, 17 March 1848.
78. IBID.
79. IBID.
80. LE CANADIEN, 17 March 1848.
81. IBID.
82. IBID.
83. IBID.
84. L'AUREORE, 17 March 1848.
85. LE CANADIEN, 17 March 1848.
86. The debate on this motion was reported in PILOT, 16 March 1848, BATHURST COURIER, 24 March 1848, and BRITISH WHIG, 22 March, in identical accounts.
87. PILOT, 16 March 1848.
88. IBID.
89. IBID.
90. GLOBE, 22 March 1848, noted: "that the House adjourned at midnight."
91. The debate on this matter was reported in: LE CANADIEN, 17 March 1848; and GLOBE, 22 March 1848.
92. GLOBE, 22 March 1848.
93. The debate on this matter was reported in: PILOT, 16 March 1848, BATHURST COURIER, 24 March 1848, and BRITISH WHIG, 22 March 1848, in identical accounts; GLOBE, 22 March 1848; and LE CANADIEN, 17 March 1848.
94. PILOT, 16 March 1848.
95. LE CANADIEN, 17 March 1848.
96. PILOT, 16 March 1848.
97. LE CANADIEN, 17 March 1848.
98. PILOT, 16 March 1848.
99. GLOBE, 22 March 1848.
100. IBID.

101. IBID.
102. IBID., whose words were: "'pitched into' the hon. member from Welland in his most approved style".
103. GLOBE, 22 March 1848.
104. IBID., which commented "Mr. MacFarland ably defended the petitioners, and threw back the insinuations thrown with much spirit." The whole question is discussed at length in the GLOBE.
105. The debate on this matter was reported in: L'AUORE, 17 March 1848; and LE CANADIEN, 17 March 1848.
106. LE CANADIEN, 17 March 1848.
107. The debate on this matter was reported in: MONTREAL GAZETTE, 15 March 1848, ST. CATHARINES JOURNAL, 23 March 1848, and L'AUORE, 17 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 14 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts; PILOT, 16 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts; and GLOBE, 22 March 1848.
108. The MONTREAL GAZETTE, 15 March 1848, identifies the mover as Mr. Holmes, and the PILOT, 16 March 1848, as Mr. Notman.
109. PILOT, 16 March 1848.
110. MONTREAL GAZETTE, 15 March 1848.
111. PILOT, 16 March 1848.
112. MONTREAL GAZETTE, 15 March 1848.
113. PILOT, 16 March 1848.
114. MONTREAL GAZETTE, 15 March 1848.
115. IBID.
116. PILOT, 16 March 1848.
117. MONTREAL GAZETTE, 15 March 1848.
118. PILOT, 16 March 1848.
119. MONTREAL GAZETTE, 15 March 1848.
120. PILOT, 16 March 1848.
121. MONTREAL GAZETTE, 15 March 1848.
122. PILOT, 16 March 1848.
123. MONTREAL GAZETTE, 15 March 1848.
124. IBID.
125. PILOT, 16 March 1848.
126. MONTREAL GAZETTE, 15 March 1848.
127. PILOT, 16 March 1848.
128. MONTREAL GAZETTE, 15 March 1848.
129. IBID.

TUESDAY, 14 MARCH 1848.¹

3 O'Clock, P.M.

(35)

Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Smith of Wentworth,--The Petition of Daniel M. Gilkison and others, of the Town of Brantford and other places, in the District of Gore.

By Mr. Merritt,--The Petition of the Niagara Falls Suspension Bridge Company.

By Mr. Guillet,--The Petition of the Reverend P. Patry and others, of the Parish of St. Stanislas, in the County of Champlain.

(36)

By Mr. Wetenhall,--The Petition of Samuel Perfold and others, of the County of Waterloo.

Petitions
read.

Pursuant to the Order of the day, the following Petition was read:--

Of Pierre Vezina, Esquire, and others, Electors of the Town of Three Rivers; setting forth:--That on the twenty-ninth day of December last past, and on the third and fourth days of January, also last past, the Petitioners, Pierre Vezina, Etienne Tapin, Jacques Bureau, John M'Dougall, Antoine Desautier, Olivier Lamontagne, George Stobbs, Zé--phirin Boudreau, Pierre Deveau, and François Routier, were, and are still Freeholders and Electors duly qualified by law to vote at the election of a Member to represent and serve the said Town of Three Rivers in the Legislative Assembly of this Province, in the present Parliament: That at the late General Election of Members to serve in the present Provincial Parliament, James Dickson, Esquire, was the Returning Officer duly appointed to proceed to the election of a Member to serve the said Town of Three Rivers in the Legislative Assembly of this Province; and that the said Returning Officer gave due notice that he would commence and hold the said election for the said Town on the twenty-ninth day of December last, at one of the clock in the afternoon, at the Market Hall of the said Town: That on the said day, and at the said place and hour, two candidates appeared for the representation of the said Town, to wit: Antoine Polette, Esquire, Advocate, and Pierre Benjamin Dumoulin, Esquire, Advocate, both of the said Town, and a Poll was required, and granted by the said Returning Officer; and that the third and fourth days of January then next, and now last past, were then and there appointed by the said Returning Officer for taking the said Poll, at the Market Hall of the said Town: That the said Antoine Polette was then and is still qualified by law to serve as a Member in the Legislative Assembly of this Province: That on the said third day of January last past, the said Returning Officer proceeded to hold and take the Poll, and received the votes of those who presented themselves as Electors, and adjourned to the next day: That on the fourth day of the said month of January last past, at nine of the clock in the forenoon, the said Returning Officer continued to hold and take the Poll, and to receive the votes of those who presented

themselves as Electors; but that in consequence of the violence exercised by the friends and supporters of the said Pierre Benjamin Dumoulin, who had by force expelled and driven from the Poll Booth the friends and supporters of the said Antoine Polette, and taken and kept forcible possession of the said Poll Booth, the said Returning Officer could not continue and terminate the said Election, and was forced to discontinue the Poll, and close the Election, without proclaiming either of the candidates elected: That the said Antoine Polette polled at the said Election one hundred and seventy votes, which formed the majority of good and legal votes, as well as of those taken and enregistered at the said Election, as of those of all the Electors of the said Town of Three Rivers duly qualified to vote: That the said Pierre Benjamin Dumoulin, at the time of the said Election, and particularly on the said twenty-ninth day of December, and on the said third and fourth days of January last past, held and was in possession of the several offices under the Crown in this Province, of Resident Agent for the sale of Public Lands in the County of St. Maurice, in the said Province, and of Agent for the sale of Timber licences in the said County, and that notice thereof had been publicly given in the said Town of Three Rivers: That being in possession of such offices as aforesaid, the said Pierre Benjamin Dumoulin, at the time of the said Election, was incapable of and disqualified from being elected or returned to be a Member of the Legislative Assembly of this Province: That the Returning Officer well knowing the premises, granted improperly, and in error, a Poll at the said Election, and was bound to proclaim and return the said Antoine Polette as duly elected, being the sole candidate duly qualified; and that the said Antoine Polette became, and was, and is entitled to sit and vote in the Legislative Assembly of this Province, as the Member representing the said Town of Three Rivers: That under those circumstances, the Petitioners humbly contend that the said Pierre Benjamin Dumoulin could not and cannot be declared to be the Member elected to serve the said Town of Three Rivers in the Legislative Assembly of this Province, in the present Parliament; and praying the consideration of the House in the premises, and that it be declared that the said Antoine Polette was duly elected, and is entitled to sit in this present Parliament as Member representing the said Town of Three Rivers in the Legislative Assembly of this Province, and that the necessary orders to that effect be made both to the said Returning Officer and the Clerk of the Crown in Chancery, as need may require; and that the House will further ordain and decree in the matter as to law and justice may appertain: That the Petitioners further represent to the House, that the said Pierre Benjamin Dumoulin, with intent to promote his Election, did open and support, or cause to be opened and supported, at his own expense, costs, and charges, during the said Election, houses of public entertainment for the accommodation of the Electors within the said Town of Three Rivers, and where a great number of the said Electors were in fact accommodated and entertained: That during the whole course of the said Election the said Pierre Benjamin Dumoulin, his friends or agents, caused to be collected and kept together at the Poll Booth a great number of persons having no right to vote at the said Election, for the purpose of overawing and intimidating Electors desirous of voting for the said Antoine Polette, and most effectually violated and destroy-

ed all freedom of Election: That during the course of the said Election, to wit, the third and fourth days of January last past, the friends and supporters of the said Pierre Benjamin Dumoulin were guilty of the most outrageous and riotous conduct, in ill treating, assaulting, and beating, at the Poll Booth, and in its vicinity, several of the friends, supporters, and voters of the said Antoine Polette; by means whereof several Electors desirous of voting for the said Antoine Polette, were prevented from doing so: That on the said third and fourth days of January last past, at the said Election, the friends and supporters of the said Pierre Benjamin Dumoulin carried violence to such a degree as to illtreat, assault, and beat several Electors who were in the act of voting for the said Antoine Polette, and with force and violence expelled, drove, and tore away several Electors while in the act of voting for the said Antoine Polette, and by that means prevented several Electors from recording their votes in favor of the said Antoine Polette: That on the said fourth day of January last past, during the said Election, the friends, agents, and supporters of the said Pierre Benjamin Dumoulin, with force and violence dispersed, drove, and expelled from the said Poll Booth, all the friends, supporters, and voters of the said Antoine Polette, and took and kept forcible possession of the said Poll Booth for the avowed purpose of preventing Electors from voting for the said Antoine Polette; by means whereof several Electors were prevented from recording their votes in favor of the said Antoine Polette, and the said Returning Officer could not continue the said Election, but, dreading personal injury to himself, was forced to discontinue the Election and close the Poll, without proclaiming either of the candidates duly elected:

(37)

That a great number of votes were given for the said Pierre Benjamin Dumoulin by persons possessed of no qualification whatever, and many whose want of qualification was apparent on their own statement, because many of them were not proprietors and possessors in virtue of legal titles, of lots of ground and dwelling-houses thereupon within the limits of the said Town of Three Rivers; others were not proprietors and possessors in virtue of legal titles, of lots of ground and dwelling-houses thereupon within the limits of the said Town, and in the receipt of the rents and profits thereof above six calendar months immediately preceding the said Election; others were not proprietors and possessors in virtue of legal titles, of lots of ground and dwelling-houses thereupon within the limits of the said Town, of the yearly value of at least Five pounds sterling, over and above all annual rents, be the same ground-rents or constituted rents; and that others voted as tenants, although they were not tenants of houses or part of houses separately, within the limits of the said Town, during twelve calendar months next before the date of the Writ of Summons for the said Election, and had not actually paid one year's rent, at the rate of at least Ten pounds sterling, a-year, for a house or part of a house separately occupied during the time aforesaid; that many persons were induced to vote and take the oaths to entitle them to do so, by criminal solicitations; that in divers instances, several persons were admitted to vote for the said Pierre Benjamin Dumoulin on one and the same lot of ground and qualification which gave no right to vote to either of them; and that persons, under oath, declared themselves proprietors of lots of ground and dwelling-houses thereupon,

to which they had no right or title: That although the said Antoine Polette was duly elect by a majority of good and legal votes, yet an apparent and colorable majority in favor of the said Pierre Benjamin Dumoulin, to the exclusion of the said Antoine Polette, was obtained by the various illegal, corrupt, criminal, and unwarrantable means and practices above stated; and that the said Antoine Polette is entitled to sit and vote in this present Parliament, as the Member representing the said Town of Three Rivers in the Legislative Assembly of this Province: That by reason of the premises, it is manifest that the apparent and colorable majority in favor of the said Pierre Benjamin Dumoulin was obtained by the most illegal and criminal means; and praying the House to take the same into its serious consideration, and, in granting relief to the Petitioners, will permit and order that a scrutiny of the votes recorded on the Poll Book of the said Election in favor of the said Pierre Benjamin Dumoulin may be had, and that the illegal votes entered upon the said Poll Book in his favor may be erased or struck off; that it be declared that the said Antoine Polette was duly elected, and is entitled to sit in the present Parliament as the Member representing the said Town of Three Rivers in the Legislative Assembly of this Province; and that the necessary orders to that effect be made both to the said Returning Officer and the Clerk of the Crown in Chancery, as need may require; and that the House will further ordain and decree in the matter as to law and justice may appertain.

Petition of
Trafalgar, &c.,
Road Company
referred.

Resolved, That the Petition of the Trafalgar, Esquesing,
and Erin Road Company, be referred to a Select
Committee, composed of Mr. Wetenhall, Mr. Notman,
Mr. Morrison, Mr. Smith of Wentworth, and Mr.
Thompson, to examine the contents thereof, and to

report thereon with all convenient speed; with power to send for persons, papers, and records.

St. Paul's
Church Glebe
Bill.

Mr. Wilson, from the Select Committee to which was referred the Petition of the Rector and Church Wardens of St. Paul's Church of London, in the District of London, with power to report by Bill or otherwise, presented to the House a Bill to authorize the Rector and Church Wardens of St. Paul's Church, London, to sell a part of the Glebe, on certain conditions, which was received and read for the first time; and ordered to be read a second time, on Thursday next.

Usury Laws
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to alter and amend the Laws against Usury in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Oxford
Election.

Mr. Speaker acquainted the House, that Peter Carroll, Esquire, Murdoch Morrison, Esquire, and John Holland, Merchant, had entered into the usual Recognizance required by law, on the subject-matter of the Contested Election for the County of Oxford.

Several inquiries² were made of Mr. Drummond ... as to the intention of Ministers, to prorogue the Parliament, or to allow time for proceeding with the measures of the country.³ SIR A. MACNAB ((was one of the questioners.))⁴

MR. DRUMMOND replied that it was the intention of the Government to prorogue the House as early as possible.⁵ ((He)) thought it probable the prorogation would take place in a few days; but time would be⁶ given to pass some few urgent measures. A vote of credit must be taken; a measure for renewing expiring laws must be passed; and some few other important acts.⁷

DR. BOUTHILLIER moved for leave to bring in a bill to extend the time for taking the Census in Lower Canada.⁸

DR. NELSON seconded the motion.⁹

MR. CHABOT thought this motion should not be urged as it was understood that the House was to prorogued in a few days.¹⁰

MR. DRUMMOND said the Bill was approved by the Ministry.¹¹ ((He)) had no objection to this bill being passed; on the contrary it was of importance that it should be passed, in order to render operative a measure already passed.¹²

(37)

Census Bill. Ordered, That Mr. Bouthillier have leave to bring in
a Bill to extend the time for taking the Census
in Lower Canada for the year 1848.
He accordingly presented the said Bill to the House,

DR. LATERRIERE recommended that this bill should be withdrawn and replaced next session by a more effective measure.¹³

MR. BADLGEY wished to know if the provisions of the Bill were to extend to Upper Canada¹⁴.

((He was)) answered in the negative.¹⁵

MR. BADGLEY said the measure was most absurd¹⁶. He thought if the period be extended for Lower Canada, it should also be extended for Upper Canada--it was necessary the two combined should make one whole¹⁷. The taking of the Census was most important to the House, for without it, on many subjects, they could not legislate with any safety.¹⁸ The subject of the census was to aid the Government in forming a judgment of the resources of the Province¹⁹. The curse of the country was the difficulty which the population of Lower Canada threw in the way of taking the Census, which they could not be persuaded was not a measure for the purposes of taxation. He thought the extension of time was little needed; but if you extend it for one Province why not for the other?--make it at least one homogeneous measure. Under any circumstances he thought the 1st July would be sufficient extension.²⁰

MR. H. SHERWOOD thought that it would be long enough to extend the period to the 1st July; his object in saying this was that the Bill might be introduced early in the next session--if he took it for granted, Parliament would be summoned before the 1st January next.²¹

MR. DRUMMOND.--Yes, you may ... be sure of that.²²

(37)

and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

SIR A. MACNAB²³ moved an Address to His Excellency for the production of Correspondence of the Great Western Railway, and hoped the learned member who was doing the Duke of Wellington in the House would not object.²⁴

MR. DRUMMOND solicited a postponement.²⁵

SIR A. MACNAB could not refuse the hon. gentleman, he asked so politely. He then said he presumed there could be no objection to his moving that a standing Committee be appointed on Railways and Telegraph Lines.²⁶

MR. DRUMMOND wished it postponed.²⁷ OR ((He)) urged the withdrawal of the motion. At this period of the session²⁸ with the Ministry absent, and²⁹ when it was known that Parliament was to be prorogued in a few days, it was useless to appoint a committee which would not have time to do anything.³⁰

SIR A. MACNAB could not give way on this occasion³¹ unless the sense of the House were taken and found to be against him.³² It was merely a Committee for the purpose of giving information, and he would be happy to give it up to any member of the Administration who wished it.³³ The committee would at all events have time to gather information of a valuable kind.³⁴ ((It)) would be a great assistance to the Administration, it was in their interest that it should be appointed; for himself he would give up the Committee to them whenever they expressed a desire that such should be the case, and he believed it would be of the greatest advantage both to the country and themselves if the Government would take the lead-in, lines of Railway under their protection.³⁵

(37)

Railways and
Telegraph Lines.

Sir Allan N. MacNab moved, seconded by Mr. Wilson, and the Question being put, That a Standing Committee of eleven Members, on Railways and Telegraph Lines, be appointed; and that the said Committee consist of Mr. Wilson, Mr. Bouthillier, Mr. Taché, Mr. Prince, Mr. Chauveau, the Honorable Mr. Sherwood, Mr. Holmes, Mr. Wetenhall, Mr. Merritt, the Honorable Mr. Macdonald, and the mover.

MR. CAUCHON ... ((spoke)) in French in opposition to the motion.³⁶

SIR A. MACNAB requested him to speak in English³⁷.

MR. CAUCHON ((spoke in English.))³⁸ ((He)) was opposed to this mode of nominating committees, the choice ought to be made by the House.³⁹

COL. PRINCE was not aware that legislation would be closed so suddenly as to prevent any good arising from the appointment of the Committee; if it were, it could not be helped. He supported the motion.⁴⁰

MR. MERRITT spoke in favour of the Committee being appointed.⁴¹

MR. DRUMMOND could not consent to this committee being appointed. It seemed to him unfair to insist upon it after it had been intimated that the House would be prorogued in a few days. (Hear, hear.) It was unfair to insist on it until the Ministry had been able to see what was the state of the finances of the Province, and whether they could pledge themselves to forward the interests of any railroad. For one he must oppose the motion.⁴² ((He)) thought it unfair to Ministers, he was not authorized to consent to it.⁴³

MR. H. SHERWOOD. What authority had the hon. member to say that he was not authorized?⁴⁴

MR. DRUMMOND. The authority of the Administration.⁴⁵

MR. H. SHERWOOD. Oh! I suppose the learned gentleman may be called the "Incarnation of the new Ministry." He argued the Committee was merely to gain information, and he could not possibly see what objection there could be.⁴⁶ ((He supported the motion.))⁴⁷

SIR A. MACNAB supported the motion, which was carried out on a division by 33 to 31.⁴⁸

(37)

*The House divided; and the names being called for, they were taken down; as follow:--*⁴⁹

YEAS.

Messieurs Badgley, Cameron of CORNWALL, Cayley, Chauveau, Christie, Crysler, Cuthbert, Flint, Gugy, Hall, Holmes, Johnston, Laterrière, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Merritt, Notman, Prince, Robinson, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Taché, Thompson, Webster, Wetenhall, and Wilson.--(33.)

NAYS.

Messieurs Armstrong, Beaubien, Bell, Bouthillier, Burritt, Cauchon, Chabot, Davignon, Drummond, Duchesnay, Dumas, DeWitt, Fortier, Fournier, Fourquin, Guillet, Jobin, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis, M'Farland, Mongenais, Morrison, Nelson, Papineau, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, and Watts.--(31.)

So it was carried in the Affirmative.

Resolved, That a Standing Committee of eleven Members, on Railways and Telegraph Lines, be appointed; and that the said Committee consist of Sir Allan N. MacNab, Mr. Wilson, Mr. Bouthillier, Mr. Taché, Mr. Prince, Mr. Chauveau, the Honorable Mr. Sherwood, Mr. Holmes, Mr. Wetenhall, Mr. Merritt, and the Honorable Mr. Macdonald.

MR. J. S. MACDONALD (Glengarry)--observed that it would be as well to know what measures were desired to be withdrawn on the part of the Government.⁵⁰

MR. CHABOT wished to know distinctly when Parliament would be prorogued, that hon. members might shape their course accordingly.⁵¹

MR. DRUMMOND said it was impossible for him to say on what day the Parliament would be prorogued, but it would be at as early a period as possible; a vote of supplies must be given; an Act to amend expiring laws must be passed, and the election questions must be previously settled; he thought the object of the hon. members in putting these question was less to embarrass the Government than to annoy the hon. member for Shefford; but he would inform hon. members that the hon. member for Shefford was not very thin skinned.⁵²

(37)

Kingston
Light Com-
pany Bill.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to incorporate "The City of Kingston Gas Light Company."

(38)

He accordingly presented the said Bill to the House and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Butter Inspec-
tion Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to provide for the inspection of Butter in Quebec and Montreal.

*He accordingly presented the said Bill to the House,*⁵³

MR. HOLMES said that this was a measure of great importance, for within the last few years a great trade had sprung up in the article of butter, particularly in Upper Canada, and there was no means whatever of properly sorting it or preparing it for the foreign market.⁵⁴ ((A)) great necessity ... existed for a regular inspection.⁵⁵ He introduced this bill at the solicitation of the Boards of Trade of Montreal and Quebec.⁵⁶

COL. PRINCE ((asked a question.))⁵⁷

MR. HOLMES stated that the inspection would be quite voluntary; those who chose to have their butter inspected, would pay for it.⁵⁸

(38)

and the same was received and read for the first time.

Mr. Holmes moved, seconded by Mr. Stevenson, and the Question being put, That the Bill be read a second time to-morrow.

MESSRS. CHABOT et CHAUVEAU s'y opposent. Ils ne veulent pas passer une mesure aussi importante qui affecte les intérêts commerciaux de toute la province et des deux villes particulièrement, sans que leurs constituants aient pu d'avance en prendre connaissance et se prononcer. Si on veut proroguer le parlement, qu'on le prorogue tout de suite, ou si on veut s'occuper de mesures importantes comme celle-là, qu'on se mette à l'oeuvre décidément et qu'on s'occupe de toutes les mesures importantes.⁵⁹

MR. HOLMES thought that the gentlemen would withdraw their opposition when he explained that no tax whatever was imposed by this bill; it only provided for those voluntarily submitting their produce to inspection for the foreign market. The Board of Trade of Montreal was in daily communication with the Board of Trade of Quebec, and they had strongly urged him to

press this measure.⁶⁰

DR. LATERRIERE demande comment il se fesait que les ministres étaient plus tôt prêt à recommander cette mesure plutôt que les autres.⁶¹

M. DRUMMOND se leva et dit que cette mesure était importante et avait attiré l'attention du ministère.⁶² ((He)) assented on the part of the Government.⁶³

MR. CHABOT dit que si le ministère pour sa première mesure s'occupait de beurre, il craignait bien qu'on ne nous donnât plus de beurre que de pain.⁶⁴

MR. BOULTON ... supported the motion⁶⁵.

MR. H. SHERWOOD thought the House ought to know what measures the Ministers intended carrying during the present Session. It seems the first Government measure was the Butter Bill; he was astonished when he thought of the labor it must have caused them before they could make up their minds to assent to its provisions. It was a great feather in their caps, and the country would be grateful for the Butter Bill.⁶⁶

(38)

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Badgley, Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Burritt, Cameron of CORNWALL, Cauchon, Cayley, Christie, Crysler, Cuthbert, Daly, Davignon, Drummond, Dumas, DeWitt, Egan, Flint, Gagy, Hall, Holmes, Jobin, Johnson, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Farland, M'Lean, Merritt, Mongenais, Morrison, Nelson, Notman, Papineau, Prince, Richards, Robinson, Sauvageau, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of DURHAM, Smith of WENTWORTH, Stevenson, Taché, Thompson, Watts, Webster, Wetenhall, and Wilson.--(55.)

NAYS.

Messieurs Chabot, Chauveau, Fortier, Fourquin, Guillet, Laterrière, Laurin, Lemieux, and Marquis.--(9.)

So it was carried in the Affirmative.

Ordered, That the Bill to provide for the inspection of Butter in Quebec and Montreal be read a second time, to-morrow.

MR. H. SHERWOOD again rose and said he thought it highly desirable that the period of prorogation should be known; he was aware that the members of the Government had a great deal to do--in fact he was surprised they had found time to introduce the Butter Bill (laughter).⁶⁷

MR. DRUMMOND. It was not a Bill of much importance.⁶⁸

MR. H. SHERWOOD. Nevertheless it was the first measure of the new Government (great laughter). He wished to know when the session would be brought to a close.⁶⁹

MR. DRUMMOND. In a few days.⁷⁰

MR. BADGLEY said hours had been passed in discussing whether or not notices should be postponed; he thought it the best plan to go through in the regular course, and postpone or adopt them according to the wishes of the House.⁷¹

COL. PRINCE said he hoped at any rate no objection would be made to the Butter Bill⁷². The first Ministerial Bill was an Inspection of Butter Bill, he saw the next Government measure was an Inspection of Flour Bill--then, of course, entered into the composition of bread--so this Parliament⁷³ might well be called the "Bread-and-Butter Parliament,"⁷⁴ (Hilarité)⁷⁵ and a very good name for a Parliament too, and it would be an excellent thing if they would always look after the Bread and Butter of the country.⁷⁶ For his part he saw no reason why hon. gentlemen should not have their bread and butter inspected (great laughter).⁷⁷

MR. HOLMES⁷⁸ ... moved that the House go into Committee of the whole, on amending the Bill for regulating the Inspection of Flour and Meal.⁷⁹

The motion was carried--55 to 9⁸⁰.

(38)

On motion of Mr. Holmes, seconded by Mr. Morrison,

Flour and
Meal Act.

*Resolved, That this House do now resolve itself into
a Committee of the whole House, to consider the
expediency of amending the Act 4 and 5 Vic. c. 89,*

providing for the inspection of Flour and Meal.

MR. MORIN desired Hon. Mr. Macdonald to act as Chairman.⁸¹

(38)

*The House accordingly resolved itself into the said Committee.
The Honorable Mr. Macdonald took the Chair of the Committee;*

MR. HOLMES said that in calling the attention of the committee to the act 4 and 5 Vic., cap. 89, which he proposed to amend, he would particularly advert to the 12th clause, where the fee for inspection was fixed at 24d per barrel, an allowance which, in his judgment was excessive. Assuming that there were⁸² ((four to five hundred thousand))⁸³ barrels brought for inspection--and he believed the quantity assumed to be a fair and moderate estimate,⁸⁴ ((as)) he was informed that four to five hundred thousand barrels were inspected in Montreal last year⁸⁵, the income of the Inspector would exceed the aggregate allowance of the three Judges of the Court of Queen's Bench. Say that ((480,000)) barrels should be imported, it would give a revenue of £4,000 per annum to the Inspector, exclusive of the flour extracted in the process of inspection, which, in itself, was supposed to be equal in value to the payment of all the expenses of assistants.⁸⁶ Again he wished to assimilate the brands of Canadian flour with those of the United States. Flour manufactured in, and shipped from Canada to England, was branded one degree below an article of the same quality manufactured in and shipped from the United States to the same market; that is to say, flour branded as superfine in Canada would be branded extra superfine in the United States, and being sold according to the brand, it actually, to the knowledge of the hon.

gentleman who spoke, and of Mr. Merritt, fetched from 1s to 1s. 6d. a barrel more in the Liverpool market.⁸⁷ He ... also introduced a clause to regulate the inspection of Oatmeal, an article now largely exported and which had not been heretofore properly attended to.⁸⁸ Mr. Holmes then proposed that 1d. should be substituted in that clause in the Bill which allowed 2d. per brl. to the Inspector of Flour⁸⁹ a fee quite sufficient in his judgment for the work performed.⁹⁰

MR. BADGLEY thought that $\frac{1}{2}$ d. would be sufficient.⁹¹

MR. HOLMES said, he was not prepared to replace the allowance per barrel to so low a sum as that. In the United States two cents per barrel was allowed, and he thought our American neighbors inclined to carry economy to its furthest limits.⁹²

MR. ROBINSON said, it would be well to know the average amount of income received by the inspector for the last 4 or 5 years. Last year the exportation of flour was excessive, and no criterion could be judged from it.⁹³

COL. PRINCE said, he was glad the measure had been introduced to the notice of the House. £3,000 or £4,000 a year for an inspector of flour--the thing was absurd.⁹⁴ "Why, Mr. Speaker," exclaimed he, "Four thousand pounds! A common Inspector of Flour gets four thousand pounds a year!! It's monstrous--incredible!"⁹⁵ Her Majesty's Chief Justices for Upper and Lower Canada did not get half that salary. He thought that £2,000 per annum would be amply sufficient, and the inspector to pay his subordinates from that sum. He thought it highly reprehensible to give any public officer more than he was entitled to as a just compensation for the time employed and the abilities required.⁹⁶ The Oatmeal clause met the Colonel's entire approbation. A breakfast of oatmeal porridge he declared to be a first rate thing--and he approved of inspecting it. "Not that I am personally interested, Mr. Speaker," said the learned q.c., "for I don't purchase anything in Canada. I deal with the Yankees entirely, Mr. Speaker, and I find them very good people to deal with."⁹⁷ He should support the Bill.⁹⁸

The motion was agreed to.⁹⁹

MR. HOLMES--next directed the attention of the committee to the 21st clause, which he proposed to amend by the insertion of such words as would perfectly assimilate the qualities of Canada flour to those which existed in the United States.¹⁰⁰ ((He)) stated that the Canadian flour Merchant laboured under a disadvantage in the English market.¹⁰¹ It was notorious that what in Canada was described as fine flour, would in the New York market be branded superfine flour,¹⁰² and as the quantity of the American flour was much greater, in the English market, than that of the Canadian, the value of each brand was fixed at the American standard,¹⁰³ and consequently the same quality of flour sent from Canada to the London or Liverpool markets, owing to this difference in the barrels, yielded to the shipper from 1s. 6d. to 2s. per barrel less than a similar quality of flour inspected and shipped from New York. This loss of course fell upon the producer. The farmers of Canada¹⁰⁴ and the Canadian merchant suffered in consequence.¹⁰⁵ He should therefore propose to alter the 21st clause so as perfectly to assimilate the quality of the flour inspected in New York,¹⁰⁶ samples of which should be procured by the inspector.¹⁰⁷

This resolution was ... agreed to¹⁰⁸.

MR. HOLMES then proposed to include the inspection of Oatmeal under the same Act.¹⁰⁹

((This was adopted.))¹¹⁰

MR. INSP. GEN. CAYLEY said, he understood the hon. member for Montreal to say that a finer quality of flour was manufactured in Canada than in the United States. If we manufacture a superior flour we should require a higher brand.¹¹¹

MR. HOLMES--explained, that no flour of a superior quality to that manufactured in the United States was manufactured in Canada; but that flour of a quality marked as fancy brands in the United States was branded in Canada only as extra superfine.

MR. MERRITT said, the object of the Bill was to place Canada on the same footing as the flour is with the United States.¹¹³

COL. PRINCE said, that it was but just that it should be put on the same footing in a foreign market, and paid a great compliment to the ((courage)) and abilities of the two gentlemen who have introduced the amendment to this Bill. He should always ((trust)) their superior judgment in matters connected with commerce, as it was a subject with which he ((proclaimed)) as a lawyer, to be comparatively ignorant.¹¹⁴

(38)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honorable Mr. Macdonald reported, that the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

MR. NOTMAN¹¹⁵ called attention to the case of the controverted election for Oxford; he thought there would be no opposition to the proposition he had to make.¹¹⁶ Mr. Notman moved that Mr. Hincks be allowed to come in and defend his seat--his acceptance of office having put him in a measure, out of Court, as one of the claimants.¹¹⁷

(38)

Oxford
Election.

Mr. Notman moved, seconded by Mr. Wetenhall, and the Question being put, That in the case of the Controverted Election for the County of Oxford, the Honorable Francis Hincks, the late Member for the said County, who, since his Election and Return, has accepted the Office of Her Majesty's Inspector General, be permitted to defend against the Petition of Peter Carroll, Esquire, presented by him to this House, against the Election and Return of the said Honorable Francis Hincks as the Member duly elected to serve in this present Parliament for the said County of Oxford.

MR. BOULTON opposed the motion¹¹⁸. ((He)) thought the petition could not be granted. The House could not control the Committee, and by acting as was proposed by Mr. Notman they would place themselves in a very silly¹¹⁹ ((and)) a very awkward¹²⁰ position, because, if the Committee refused to admit Mr. Hincks, or comply with the resolution of the House, they had the power to do so. Attempts of this nature had been made in the House of Com-

mons, but had invariably failed. He thought the present difficulties arose from the course pursued by the House on former occasions, which he and the hon. member for the Fourth Riding of York, had pronounced to be illegal; the present proposed course was equally illegal; the House was not competent to effect it.¹²¹ Had the question of Mr. Hinck's seat been allowed by the House through the proper and legal course, it would ((long)) before this have been finally settled; the House by their summary method of proceeding had laid themselves open to the petition of Mr. Carroll, and had established a bad precedent.¹²² He considered that a just determination on the subject of the Oxford Election could be arrived at without the presence of Mr. Hincks; they had but one point to decide, that of that qualification, which was the only allegation in the petition; there was no charge of bribery or corruption or undue interference on the part of any one; there was but one objection to Mr. Hinck's possession of his seat, and that was the qualification, and on that a just decision might be come to, by taking only ex parte evidence. He was unwilling that a still farther bad precedent should be set in addition to that of the previous proceedings in this case. The House had no more power over the Committee than the Quarter Sessions had over the King's Bench. The House might at one time have had the power to act as the hon. member for Middlesex desired it; but not now. Before the passing of the Grenville Act any proceedings consequent on controverted elections were under the control of the House, but it was not so now. If the House persisted in affirming the motion, and any evil resulted from it, the fault would be theirs, not his. By taking a wrong course they had got into a difficulty from which they could not extricate themselves but by a further illegality. Mr. Hincks himself could not appear before the Committee, but there could be no objection that a professional gentleman appear as "Amicus Curis;" and that, he contended, would be the correct course. He cited many cases to support his views, and entreated the House to pause before they took a step which might bring upon them the contempt and laughter of the country.¹²³

MR. NOTMAN¹²⁴ was surprised at the remarks which fell from the hon. member for Norfolk.¹²⁵ He had not expected that any opposition would be raised, that deep legal arguments would be adduced to show that the course pursued by the House throughout this case was wrong.¹²⁶ He contended that if the House choosen (sic) to sanction the course he proposed, there was nothing to forbid it. He censured the learned member for Norfolk for stigmatizing the former proceedings of the House in this matter as illegal. The Press had taken advantage of it, and had asserted that the hon. member for the Fourth Riding of York entertained the same opinion. This was not the fact, Mr. Baldwin had doubts upon the subject; he was not clear that the proceeding was right, nor was he clear that it was wrong.--Therefore he voted against it.¹²⁷

COL. GUGY followed on the same side.¹²⁸

MR. H. BOULTON and the ex-Solicitor General MR. J. CAMERON entered into ... legal arguments in opposition to the motion, quoting pages of opinions and precedents in support of their ... views.¹²⁹

MR. H. SHERWOOD ((a opposé la motion.))¹³⁰

MESSRS. DRUMMOND, RICHARDS, and J.S. MACDONALD took part in the debate, all in favour of the motion¹³¹.

MR. CHAUVEAU ((a parlé en faveur de la motion.))¹³²

COL. PRINCE went against the motion ...; he told a ... story about his grandfather, who, he assured the House, was "a Justice of the Peace, and a very excellent man." ... The gallant gentleman talk((ed)) of his venerable progenitor ... as "the old fellow."¹³³

(38)

The House divided; and the names being called for, they were taken down; as followeth:--

YEAS.

Messieurs Beaubien, Bell, Bouthillier, Burritt, Cauchon, Chabot, Chauveau, Davignon, Drummond, Duchesnay, Dumas, DeWitt, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Holmes, Jobin, Johnson, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, M'Farland, M'Lean, Merritt, Mongenais, Morison, Notman, Papineau, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, Watts, and Wetenhall.--(40.)

NAYS.

Messieurs Badgley, Boulton of NORFOLK, Cameron of CORNWALL, Cayley, Christie, Crysler, Cuthbert, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, Prince, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, and Webster.--(19.)

So it was carried in the Affirmative.

Ordered, That in the case of the Controverted Election for the County of Oxford, the Honorable Francis Hincks, the late Member for the said County, who, since his Election, has accepted the Office of Her Majesty's Inspector General, be permitted to defend against the Petition of Peter Carroll, Esquire, presented by him to this House against the Election and Return of the said Honorable Francis Hincks as the Member duly elected to serve in this present Parliament for the said County of Oxford.

MR. NOTMAN then moved that it be taken into consideration on Wednesday, at four o'clock, and that the usual notices be given by the Speaker to the petitions¹³⁴.

(38)

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Ordered, That the Petition of Peter Carroll, Esquire, a candidate at the late Election for the County of Oxford, complaining of the undue Election of the Honorable Francis Hincks as a Member to represent the said County in this present Parliament, be taken into consideration by this House, on Wednesday, the fifteenth day of March instant, at the hour of four o'clock, P.M.; and that notice to that effect, in writing be forthwith given by Mr. Speaker to the Petitioner, his counsel, or agent, and to the said Honorable Francis Hincks, according to the provisions of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the reign of His late Majesty, George the Fourth, chapter four.

((The motion)) was carried by the same division--((Yeas, 40; Nays, 19)).¹³⁵

MR. MORIN then moved for leave to retire, as the law required such notices to be delivered on the day previous, and he should therefore have to complete

them before twelve o'clock, it being then almost ten.¹³⁶

SIR A. MACNAB proposed immediate adjournment, knowing from experience that the duty the Speaker would have to perform would occupy fully two hours.¹³⁷

It was apparently agreed that the House should adjourn¹³⁸.

MR. DRUMMOND¹³⁹ moved that the speech of His Excellency the Governor-General from the throne be now taken into consideration.¹⁴⁰

(38)

On motion of Mr. Drummond, seconded by Mr. Holmes,

Speech con-
sidered.

Ordered, That the Speech of His Excellency the Governor General, delivered to both Houses of the Provincial Legislation at the opening of the present Session, be now taken into consideration.

The House proceeded accordingly to take the said Speech into consideration.

And the same was again read.

Mr. Drummond moved, seconded by Mr. Holmes, That a Supply be granted to Her Majesty.

MR. PAPINEAU¹⁴¹ (who spoke in French) rose and¹⁴² ((urged)) the impropriety of granting supplies until the House had heard from the ministry what were their intentions for the future. It was clear from this motion that the House was to be immediately prorogued, and if so, he for one would not be satisfied.¹⁴³ ((Il)) se demande si c'est bien dans l'intérêt de la chambre de terminer si tôt la Session et s'il serait bien dans l'intérêt de l'administration de faire du repos son premier acte officiel. La question des subsides annonçant la fin de la Session, et étant un acte d'intérêt publique, chaque membre peut prendre là-dessus occasion d'exposer ses vues sur la marche à suivre pour les affaires de l'Etat; c'est pourquoi il va dire sa pensée, libre à la chambre et à l'administration de l'apprécier. Assurément les besoins de la colonie sont pressants, elle gémit depuis plus de trois années sous le poids d'une mauvaise administration. Ce ministère si faible et sans capacité¹⁴⁴ which held the reins of Government at a time when the wants of the country required a strong, efficient, active executive¹⁴⁵ n'a rien fait¹⁴⁶. The country had been for four years in anarchy and confusion,¹⁴⁷ yet now, after getting rid of those who were the cause of this state of inaction¹⁴⁸, now that this young and growing country requires legislation more than at any other time¹⁴⁹, à présent que nous avons un ministère fort, approuvé du peuple et supporté par la grande majorité de la chambre, commencera-t-on par voter des subsides et laisser les intérêts de l'état immédiatement?¹⁵⁰ Was there any example of a similar state of things in England or in any other colony?¹⁵¹ This House could adduce no instance of any Parliament proroguing after a Session so short and useless as the present one had been.¹⁵² Que ne suivrait-on l'exemple de la Nouvelle-Ecosse où le même revirement (sic) a eu lieu? la chambre s'est ajournée pour quelques jours, pour donner le temps aux nouveaux ministres de se faire réélire et travailler ensuite à la dépêche des affaires¹⁵³ ((and there)) the session of the Legislature was proceeding regularly, and

usefully. It was after the long continued sufferings of the country--sufferings caused by the partiality of the British Government, which had aided a Governor and Council to proceed in opposition to the wishes of the majority, and which after the system had been universally condemned, had devised new engagements, only to perpetuate that system--it was after this that it was now attempted to suspend for another year those labors, which ought to occupy the immediate attention of the Legislature.¹⁵⁴ Les besoins sont urgents et le délai d'une année empêchera qu'on puisse s'en occuper aussi efficacement.¹⁵⁵ There were many subjects of great importance before the country urgently demanded¹⁵⁶. The greater part of the country was not represented. That was the principle thing which required amendment. Precipitate changes had been made in the system of Municipalities; that was another thing.¹⁵⁷ La loi des municipalités ... passée par des ministres essentiellement conservateurs¹⁵⁸ ((during)) the last Parliament,¹⁵⁹ nécessite des changements importants.--¹⁶⁰ The present law in many places had not begun to work¹⁶¹. ((It)) was ineffective, and unadapted to the wants of Lower Canada, and it is most essential, and the first thing that ought to occupy all members of this House, the alteration of the present system of representation, and the remodelling of the existing vicious and bad Laws, and the reconstruction of the Legislative Assembly.¹⁶² The census could not be taken; and therefore, no act could be passed, for want of statistical information, which would put the representation on a just basis, proportioned to the population. Nor without that kind of information was it possible justly to proportion the grants of public money to different localities.¹⁶³ He would wish Commissioners appointed to take the Census of Lower Canada, so as to prepare the way for a Bill next Session altering the representation, thereby giving numbers as the basis of representation.... The system of actual representation is monstrous, and has been brought about by lies and fraud, or management, as Lord Sydenham expressed himself, that odious and corrupt dictator who imposed the Union on Lower Canada, by his shameless and villainous outrages, (le dictateur corrupteur et corrompu qui imposa l'Union au Bas Canada par une fraude honteuse et mêlée de violence.)¹⁶⁴ Lord Sydenham had carried it, by writing to Upper Canada, that the people of Lower Canada acquiesced in the Union, and the conditions of the Act contrived by the impartiality and justice of the Imperial Parliament. But he sent word to England in his official correspondence of the same period, that Lower Canada clung to her laws, her language, and her nationality, with the tenacity of despair. He declared that he was opposed at every step, and that it was only by "management", which meant intrigue and corruption, that he had succeeded in carrying so unjust a measure. Lord Durham, too, had attempted to secure the triumph of the minority; but, with more justice, he repudiated the intention of having the representation on such a system as the existing one, and proclaimed that it would not fail to excite indignation both in England and in the United States. He declared that the plan of joining the representations of the two provinces, on the principle of an equal number of members could not be accepted. It was necessary not only to deceive Upper Canada, and to gain her by management; but by cowardly violence, to oppress Lower Canada, before she could be served as Ireland had been served by England--before Lower Canada, with a population whose national feelings had remained intact nearly a hundred

years, could be placed in the same position as Ireland had been placed by the Union Act--an act which was the shame of England and the misery of Ireland. At the same time Upper Canada accepted the promotion of her material interests, and accepted that system, which imposed her debt on those who had not contracted it. Thus were animosities created, which sooner or later must burst forth between the two sections of the Province.¹⁶⁵ While ... ((a)) lying and artificial system of representation continues, aided and brought about, as it has been, by the corruption and intrigues of Upper Canada, which only tended to engender instead of softening down the asperities of races, he for one would never cease to agitate a repeal of the hateful union, which had made England to this country, what she had ever been to Ireland, A CURSE, (l'opprobre)) entailed upon us by a dictator of England¹⁶⁶. Cette mesure imposée au pays uniquement dans des vues de despotisme et de partialité a fait tant de mal et est destiné à faire tant de mal aux deux sections de la province que le temps n'est pas éloigné où les deux parties de la province s'uniront pour en agiter le rappel. Il deviendra d'ailleurs matériellement impossible d'administrer et de gouverner un pays d'une conformation géographique aussi incommode, et si étendu, qu'il borne au nord des Etats de l'Union Américaine. Plus vite l'Union sera rappelée mieux ça sera. Avec l'Union et la représentation telle qu'elle est, le gouvernement responsable est une illusion.¹⁶⁷ Why was the British system introduced into America?--what could excuse such an aggression by one class of citizens on another class, the subjects of the same government, and who being equal before justice, should be equally favored by the law? Responsible Government, then, was based upon a false system of representation, recommended by those who had always been enemies of popular rights.¹⁶⁸ Maintenant quels intérêts a-t-on d'entretenir un système aussi pervers, créé par l'esprit d'intrigue d'un homme qui pouvait tout faire au dépens des lois, des principes et de l'équité?--On a vu quels effets en ont été la suite ces années passées. La justice a été oubliée,¹⁶⁹ the franchise was confined to those wards in the cities where the partizans of these persons principally lived. The resources of the Government, and violence, were used to carry the elections¹⁷⁰ ((et)) pour défranchiser le peuple, plus qu'il l'est déjà par le mauvais système de représentation actuel.¹⁷¹ Then unknown strangers were brought into the country and elected, though they had never been heard of before, and though they all disappeared with the instruments of their accession to power. One exception only existed to that rule--the hon. member for Montreal, who had been forced into the representation by the minority, and who, if he were now elected by the majority, was so chosen, because he had adopted liberal principles. This was a proof that such persons were not elected by the free voice of the people. It was then essential to the interests of the Country, that this course of injustice should be made to disappear, for while it remained no ministry could look for the people's confidence. In the old Colonies there never was so iniquitous a system. In most of them there was no other interest, but that of the yeomen--of men dependent only upon their honest labor,--men who enjoyed a tolerable equality of property, and who could not be bribed or corrupted by Government. The necessity then of a law to pay commissioners to make a census, with a view to this reform was of itself sufficient to prove that the Legislature should remain in

Session till it could arrange that matter.¹⁷² C'est donc une des mesures les plus urgentes sur lesquelles il serait nécessaire d'en venir à une détermination. C'est pour cela qu'il faut faire durer la session jusqu'à ce que les mesures importantes aient été prises en considération.¹⁷³ The Ministry it seemed to him were not to be the masters of the house, but to deliberate with the other members of the House. He desired to see power confided to those who during their lives had struggled against the power of the Executive--to those who wished to reform in the popular sense of the word--¹⁷⁴ who had ... struggled for popular rights, and the general welfare, and who desired to found a rich people and a poor Government¹⁷⁵; a strong community and a weak government.¹⁷⁶ Not to see men, strangers to Canada and its people, forced on its constituencies, as had been done, and after serving the purposes of those dictators sent us here by England, vanishing at their master's bidding.¹⁷⁷ He wished power to be lodged with those who desired the direction of affairs to belong to the house, and not to those to whom the house gave confidential employments. He came there not by his own wish, but as a matter of duty--in accordance with his respect for that democratic branch of the Government with whom he was engaged so many years in the struggle, against the man in power acting through the Legislative Council. The present Legislative Council was very much like that of the days he alleded (sic) to; it was called in 1841 by Lord Sydenham, because the men of whom it was composed partook of the passions which prevailed among the minority, and its constitution has been changed but little since. The house had declared, that it had no confidence in the late Ministry, which had acted in defiance of public opinion.¹⁷⁸ Ce serait tromper l'attente du peuple qui a fait un choix d'hommes libéraux, capables de veiller à ses intérêts, si ces mêmes hommes laissaient déjà là l'ouvrage, sans avoir rien fait.¹⁷⁹ The Ministry might ask a few days, and may be excused for so doing; but¹⁸⁰ il ne serait pas juste, pas raisonnable de faire venir les représentants de Bonaventure et de Sandwich, avec beaucoup de fatigues et de frais pour eux et pour le gouvernement; ce serait faire supposer qu'il y a quelque chose de mauvais dans ce gouvernement responsable, auquel il dit n'avoir aucune confiance.¹⁸¹ The consideration of the necessity of treating, before all other things, of the country, its prospects (l'avenir) and the reform of the representation, was so difficult that active measures ought perhaps to be adjourned for the present. There must be a majority of two-thirds of that house, and two-thirds of the other house, before it could be carried. But some measure to forward the ultimate success of that reform ought, at least to be carried.¹⁸² Il faut s'assurer si les ministres ont intention de faire des réformes; ils n'ont pas encore manifesté leur opinion là-dessus. Il serait bon de s'assurer si la chambre n'aurait pas les deux tiers de majorité, de savoir si l'autre chambre est composée conformément au vœu que le peuple vient d'exprimer, et de manière à ne pas paralyser les efforts de celle-ci.

Le ministère malgré son immense majorité n'a encore rien promis au pays et avant que chacun des membre qui le composent aille se présenter à ses constituants, il serait bon de savoir quelles sont les réformes qu'on se propose de faire.¹⁸³ He doubted whether they had a right to go back to their constituents until they had stated what was the nature of the reforms they proposed to carry.¹⁸⁴ C'est durant la présente session que cette question doit

être mise devant la chambre; peut-être qu'il y a une majorité des deux tiers en faveur du changement. Il faut composer l'autre chambre d'une manière analogue, voir au nombre et au caractère du conseil, vaincre la répugnance qu'un tel changement peut faire ressentir au corps nommé par les deux dictateurs Durham et Sydenham, qui avaient condamné le caractère du vieux conseil, mais en avaient nommé un de même classe.¹⁸⁵ He trusted this House would leave no room for odious comparisons between the system of representation in this country and the United States. In England it was different;¹⁸⁶ en Angleterre on est excusable jusqu'à un certain point de maintenir le système vicieux de représentation qui domine et qui a été la cause de presque tous les maux qui ont affligé le pays.¹⁸⁷ The various interests that the Government had to look to require an artificial system of representation¹⁸⁸. Il y avait le prétexte de conserver les droits des petits bourgs, qui, ayant été autrefois de grandes villes ne doivent pas souffrir à cause de leur décadence.¹⁸⁹ There were manufacturing, shipping, and other interest to consider. There was an hereditary magistracy, who were the true sovereigns of the country,¹⁹⁰ ((who)) exercised an influence almost eclipsing the power of the Crown,¹⁹¹ and who ... ((had)) almost extinguished the power of the country through the representatives named by themselves in the House of Commons.¹⁹² ((They)) had always controlled by corruption, and the purchase of the votes of the poorer voters¹⁹³. Cependant toutes les excuses possibles ne détruisent pas le fait que ce système encourage la tromperie, la corruption à un degré étendu, qu'il a vicié les institutions du pays du temps de Walpole jusqu'à nos jours.¹⁹⁴ And was it to be said that such a system should be nursed in Canada as this legacy of the Special Counsel (conseil des muettes.)¹⁹⁵ The evil must be borne where it was deeply rooted; but why should it be introduced in Canada?¹⁹⁶ Avant donc qu'il soit expédient de voter des subsides, la chambre doit être avertie officiellement d'une Session prochaine; car malgré les droits des ministres ou la prérogative de la couronne, la chambre doit protéger les droits du peuple. Il faut donner à ceux qui composent le gouvernement la chance de réussir avant de commencer un système d'agitation pour obtenir les réformes nécessaires. On doit remettre à un autre temps le rappel de l'union des deux provinces, la réforme parlementaire est la première et la plus nécessaire à faire.¹⁹⁷ And how stands our system of representation compared even with Upper Canada?¹⁹⁸ Il y a dans le Haut-Canada six petites villes qui ne contiennent 12,000 âmes, et qui envoient chacune un membre au parlement,¹⁹⁹ while in Lower Canada we have counties with populations of 40,000, returning only two members.²⁰⁰ He knew not why so much should be given to the inhabitants of towns, or why they should have two votes for the same property which in the country gave but one.²⁰¹ This House ought immediately to deliberate on the equalization of the representation, the disunion of the Provinces, and the right of suffrage; and he would not give his vote for the granting of supplies till he could say to his constituents that this House was prepared, if not to go on with those measures, which he considered should not be delayed, at least to pave the way for their being fully matured for the next Session.²⁰² Qu'on ne soit pas effrayé des droits que le Bas-Canada réclame: ce qu'il demande aujourd'hui, il l'accordera à son tour;²⁰³ for ((as)) a true liberal,²⁰⁴ il ne veut ni commettre l'injustice, ni la souffrir. C'est le moment de discuter la convenance d'une prorogation prochaine, les opinions doivent s'exprimer sur

ce sujet²⁰⁵. If the Ministry desired to slink from their duty, and by a speedy prorogation,²⁰⁶ détruire, tromper les espérances du peuple qui attend d'heureux résultats de l'élection qu'il vient de faire²⁰⁷ and if they were supported in that course by a majority, the minority must of course submit. But in submitting, it must protest.²⁰⁸

MR. CHABOT followed, in French²⁰⁹. ((Il)) exprime en commençant le déplaisir qu'il éprouve de prendre la parole après l'hon. membre pour St. Maurice et encore plus de différer d'opinion avec lui. Il est vrai, comme l'a remarqué l'hon. membre, que le pays a grandement besoin de législation, après trois années d'une administration inactive et faible, mais il ne suffit pas de législater, il faut législater bien, sans précipitation. On ne compte pas le bien que l'on fait au peuple par le nombre de bills que l'on passe, car si c'était le cas l'administration défunte aurait été très vigilante;²¹⁰ but the truth was that the late ministry had been justified on account of the great number of bills they had passed. He thought, on the other hand, that the value of Government should be judged by the efficacy, not by the number of its laws. There had been too much bad legislation, which it would take many sessions to destroy.²¹¹ La première chose que le ministère nouveau aura à faire ce ne sera pas de faire des lois, mais de détruire nos mauvaises lois qui sont malheureusement trop nombreuses. Dans ce moment peut-on législater avantageusement? Peut-être que non; les ministres ne peuvent se faire entendre dans cette chambre, ils ne peuvent élever la voix. Il ne pense pas qu'il soit déjà temps de demander aux ministres ce qu'ils ont fait, quelles réformes ils se proposent de faire.²¹² That was not what he asked.²¹³ Il ne veut pas rester dans l'inaction un seul jour comme ça été le cas depuis le commencement de la session, dans laquelle on n'a fait que discuter si telle mesure sera proposée ou non. Il vaut mieux que la chambre soit prorogée immédiatement pour donner le temps aux ministres de mûrir leurs mesures. L'hon. membre a parlé beaucoup des désavantages de l'union. Il est vrai que l'union a ses inconvénients et qu'elle les aura toujours, mais maintenant qu'il a obtenu le gouvernement responsable pour lequel il a tant combattu et avantageusement, que dit-il? "Je n'ai aucune confiance dans le gouvernement responsable." Au contraire, on a confiance dans le gouvernement responsable et c'est le seul qui puisse fonctionner bien dans ce pays, quand il sera débarrassé de tous les abus qui ont arrêté son efficacité depuis si longtemps. Parce qu'il y a eu des abus il ne faut pas les attribuer au gouvernement responsable. Avant 37 et 38 il y avait certaines gens qui attribuaient tout le mal qui arrivait à l'hon. membre qui vient de parler. On disait faussement "c'est la faute à M. Papineau." Maintenant les ennemis du gouvernement responsable²¹⁴ cried out at every mishap²¹⁵ c'est la faute du gouvernement responsable. La faute n'existe pas dans le gouvernement responsable, mais dans la manière dont il a été administré. On a dit que la chambre ne devait pas marcher avec les ministres avant qu'ils aient proposé quelques réformes: mais doit-on refuser les subsides parce qu'ils n'ont pas encore présenté un bill pour réformer la représentation, et le conseil Législatif? Ne doit-on pas leur donner du temps pour cela? Pourront-ils trouver en un jour entre Bonaventure et Sandwich les hommes propres à former le Conseil Législatif?²¹⁶ After all this bad government including the Municipal Bill, passed as he (Mr. C.)

believed expressly to create trouble among the Lower Canadians, must not all the world desire time to prepare useful changes?²¹⁷ La raison qui le fait voter pour la motion est que dans le moment actuel la chambre ne peut faire aucun bien et qu'il désire s'en aller aussitôt possible. L'hon. membre pour St. Maurice, a dit que si la chambre est prorogée à présent elle devra être convoquée très prochainement; peut-être veut-il dire dans deux ou trois mois. Rien ne peut empêcher de le faire,²¹⁸ ((but)) he would remark, that had the hon. member been present during the heat of the last summer, he would probably have sung another song. In September and October the navigation would be open; members could get easily to the house, and Ministers would be properly prepared with their measures.²¹⁹ Mr. Chabot would not forget the rights of his constituents, and that this country required legislation now more than ever, as, for the last three years, this country has had a Ministry incapable of legislating. He was against the early prorogation Ministers wished, for he came there to work, and was willing so to do, and he would vote against such trifling legislation as had been carried on.²²⁰

COL. GUGY,²²¹ looking at Mr. Papineau said,--the hon. member for Megantic.²²²

((He was)) corrected.²²³

COL. GUGY resumed--he was mistaken, in referring to the member for Megantic. He was mistaken, but in every discussion of this kind, it was natural to think of the hon. member for Megantic--inasmuch as²²⁴ if many of the evils which the hon. member for St. Maurice had spoken of existed in the country, they were to be ascribed to members of the stamp of the hon. member for Megantic, and the member for Ottawa; but he did not wish to enter upon any discussion on those points now. There were other considerations which induced him to address (sic) the House.²²⁵ When on the wings of the press the speech of the hon. member for St. Maurice shall have been borne to the uttermost parts of Canada²²⁶ ((and)) to the wide world, the only excuse which the Upper Canada members would have for having sat in silence and listened to it, would be that they were ignorant of the subject matter of that address²²⁷; ((they)) would find that they required the ignorance of the language of the hon. member for St. Maurice, to excuse their listening to a discourse which had no other object, save that of creating feelings of irritation--which could have no effect except to²²⁸ bring into collision the different sections of the Province, the two different classes who inhabited them²²⁹ ((and)) to renew the agitation of those questions concerned with the difference of races, and religion, out of which the most calamitous events of our history have followed.²³⁰

No, no from the French members.²³¹

COL. GUGY. This was the only inference which he could draw from the hon. member's speech.²³² He was well acquainted with the French language, and the speech of the hon. member had not for him even the charm of novelty²³³; he had often heard the hon. member descant on the same subject.²³⁴ It did not properly devolve on him to review that speech, and he had waited to be certain whether any member of the late Government, or of Upper Canada, would

take it up. It was in their default that he would, though very reluctantly, remark upon it. Their silence was probably owing to their ignorance of the language in which it was spoken; it was a series of charges of corruption, not only against Governors and Governments, but against the whole of Upper Canada²³⁵. He might be permitted to tell members not acquainted with the French language, that the hon. member for St. Maurice had charged the late Government with having practised habitual corruption. (Hear, hear.)²³⁶ That might have been passed over, as being a consequence of the position in which he was placed; but²³⁷ he had also said that the whole of Upper Canada²³⁸ had been bribed, or partly bribed, and partly intimidated into agreeing to the Union, while it was alleged that Lord Sydenham had, by a gross and monstrous falsehood, asserted that Lower Canada had acceded to the proposal, while, in fact it had objected to it. Yes, the hon. member declared that Upper Canada had been bought²³⁹.

No, no, he did not say so.²⁴⁰

COL. GUGY. That Upper Canada had sold itself for money²⁴¹ and was one mass of corruption.²⁴² He (Col. G.) hoped he would find members opposed to him in politics ready to join him in contradicting him in that sweeping assertion.²⁴³ He (Col. G.) however, would have abstained from interposing had the members from the other section of the Province appeared to understand the scope of the observations of the hon. member for St. Maurice. Avowing his proverbial predilection for democracy, the hon. member was desirous of giving it the supremacy. He looked to the United States as a model and a guide. Accustomed to agitation, he proposed at once no less than ((four)) organic changes; of which the first was the²⁴⁴ necessity to repeal the Union²⁴⁵ between the two Provinces²⁴⁶ the second the remodelling of the Legislative Council upon the elective principle--the third was²⁴⁷ that they should add to the democratic section of the Legislature,²⁴⁸ ((and the fourth was)) increasing the representation in this House, as the hon. member vowed, upon the basis of population²⁴⁹, so as to give the preponderance to Lower Canada²⁵⁰. He should be checked--he ought never to be allowed to indulge in declamation upon such topics.²⁵¹ The hon. member might be permitted to indulge in his proverbial preference for the democratic element, but was the House prepared to carry out a system of²⁵² organic changes in the constitution, or would it take the constitution as it existed? If it allowed such things to be agitated, the result would be a war of extermination.²⁵³ Of the ... ((four changes)) it was only important to the House to touch the latter. That might not be without its difficulties, but it was not absolutely illegal, while the other (sic) ... were. What did the hon. member mean? Was it to compel the Government to abdicate in his favor? Skilled in the practice of the dangerous acts of the demagogue and the agitator, the hon. member appeared to be desirous of pursuing the career which had already murdered the country with blood. If the Union were repealed, or if the question were mooted, appeals to national and religious prejudices would be multiplied, as they were before. The hon. member might sow the whirlwind, but the same causes would produce the same effects. One part of the population would not yield to him. Discord would be followed by bloodshed, fire and misery.²⁵⁴ There were enough of differences existing between members in the house--there were differences in language, literature, in religion; but²⁵⁵ it seemed to him that those who looked beyond the present hour must feel

confident that the more the different races were united, the more they were brought into contact, the sooner the spirit of animosity would be removed. He looked²⁵⁶, therefore,²⁵⁷ upon the man who would dissolve the Union as one who, whether from mistaken views of the public good or views of private interest, was a dangerous man. (Hear, hear.) It appeared to him that the hon. member for St. Maurice had not been hitherto very successful in the career which he had thought proper to pursue,²⁵⁸ ((his)) public conduct ... had not been so beneficial to²⁵⁹ his too-confiding and misguided countrymen²⁶⁰ who had followed him to the brink of the precipice,²⁶¹ where he had deserted them, (Sensation,)²⁶² as to lead the house to suppose that the changes would be of great benefit to the Country.²⁶³ Was it possible that he could again, from views of personal aggrandisement, urge them to follow him into danger? Did he again intend to betray and desert them? While they were exposed here to the utmost penalties of the law, would he not again find it convenient to repair out of reach of danger? Was it not monstrous and preposterous that to satisfy the ambition of one man a whole country must suffer?²⁶⁴ For his (Col. Gagy's) part, as long as he had a voice in this or any other assembly, he should be disposed to oppose every measure which had for its object an organic change in the Constitution which had been bestowed on them²⁶⁵ not as a result of the animosities which the gentleman spoke of; but of the friendship of a great, just, and powerful state. If those institutions had not given the Country all they should have done, was there not something in the Country itself which prevented them from doing so?²⁶⁶ He was not disposed to ascribe the misery of his country to the animosity or wickedness of England. Something might be laid at the door of the demagogues who first deceived, and then betrayed, the people.²⁶⁷

Hear and sensation among the French members.²⁶⁸

COL. GUGY ((continued:)) The hon. member talked of the corruption and cruelty of the Government, but was he not the cause of all the suffering? Had he been satisfied with the usual constitutional means of resistance, every practical reform might have been brought about. But he would not be satisfied without armed resistance and what was the result? When danger was eminent, the hon. member abandoned to their fate the dupes whom he first deceived and then deserted. Were these scenes to be resumed? Would not the hon. member trust to constitutional measures and to time for the reform of abuse, for softening asperity, for removing prejudices, for working out the great end of all legislation? If the Union were repealed, the two sections, inhabited by different races, must come into hostile collision, and we should be bequeathing a war of extermination to our posterity. A man might possibly entertain some remnant of self-respect, who had violated some law,²⁶⁹ a man might prove a traitor to his Sovereign and country without being held to be a dishonourable wretch;²⁷⁰ but he who could be treacherous to his fellow men, his party and his followers, who could impel and excite them into²⁷¹ danger, and²⁷² rebellion, and then leave them to perish²⁷³, that man, be he who he might and where he might, was a wretch unworthy ((of)) the consideration of any man²⁷⁴, ((and)) unworthy of the name of man.-- Falsehood, treachery, and baseness were the leading points of such a character.²⁷⁵ These were his feelings; and let any man who felt that he had placed himself in that position, apply the language to himself--These were

the sentiments which were natural to every loyal man--to every man who felt that Englishmen did not deserve to be stigmatized as having more belly than brains--that there was at least as much worth amongst Englishmen and in England as in any other part of the wide world.²⁷⁶

Cheers from COL. PRINCE.²⁷⁷

COL. GUGY ((continued:)) On the subjects introduced by the honorable member, he (Colonel Guky) had intended to have spoken in French, and to have, as far as he could, demonstrated the sophistry of the argument--the falacy (sic) of the assertions--the danger of the position. But he spoke under much discouragement, and, indeed, under depression. That corrupt and worthless Government--that monstrous and infamous Government which the hon. member had described, might deserve these epithets, but surely if so it was principally because of its treatment of the honorable member, and perhaps the course of the honorable member was dictated by wise policy, and the Government was only mean and cowardly.²⁷⁸ When he thought upon the consequences of the career of the hon. member for St. Maurice, he was disposed to be silent.²⁷⁹ Look at the fact. The conduct of the honorable member is a matter of history.²⁸⁰ After taking a part in the politics of the country, on which no one could be ignorant, the hon. member saw fit to withdraw himself²⁸¹ from the people whom he had deceived and²⁸² who had blindly followed him to their destruction. (Sensation.) And what was the consequence?²⁸³ He had now been permitted to return, and was his position? A government, which called itself British, had showered riches upon him and his family--benefits had, indeed, been heaped upon them²⁸⁴ in an inexhaustible stream.²⁸⁵ His brother ((has)) been specially selected for a special post²⁸⁶ ((as)) a member of the Government, and received a salary, compared with his capacity and merits, enormous and exorbitant. (Loud cries of hear, hear.)²⁸⁷ Two of his cousins were appointed to offices with great emoluments²⁸⁸ ((in)) that Government; his son--a member of the New York bar, (hear, hear,) by preference a citizen of the United States, who, abjuring the glorious privileges of a British subject, had become a citizen of the Republic--was selected for a high, an important, a lucrative office in this city; and²⁸⁹ the University of McGill College has selected another son, as one of its professors²⁹⁰. Thus, in fact, his whole family had been provided for at the expense of men whom he deceived as having more "belly than brains." He (Col. Guky) would not stop to enquire whether the hon. member had such a thing as a memory; but surely the word gratitude was not to be found in his dictionary. Wealth, power, and distinction, had been attained by him²⁹¹ ((and his)) family²⁹²--had been forced upon him, while loyal men were deliberately beggared. Still the hon. member was not satisfied. What could he have more? Was it union with the United States?²⁹³ If there was such a thing as gratitude in the world, he would enquire if it might not have affected the hon. gentleman at least so far as to induce him to be silent; if there was such a thing as remorse he should enquire whether the evil which had already been done--the prejudice that had been suffered by this once happy community--the men slain--the widow's suffering and the orphan's misery did not all cry aloud to heaven; and it appeared to him that if there was one man capable more than another, it was the demagogue who first seduced a large portion of Her Majesty's subjects from their allegiance, arrayed them in hostile array,²⁹⁴ and having brought them to the precipice, betrayed

them in his flight,²⁹⁵ (sensation)²⁹⁶ and who since his return had spoken of the British nation as possessed of more belly than brains.²⁹⁷ He (Col. G.) felt that the time had come when those of opposite views and feelings must no longer be silent.²⁹⁸ Fatigued, disgusted with the recurrence of events and doctrines, the forerunners of storm; he (Colonel Gagy) would pursue that subject no further; but he could not sit down without protesting against the conduct of the late Government, though on widely different grounds.²⁹⁹ When the house saw these things, it must appear to it that it was the intention of that government, which the hon. member abused, to reward treason, and to punish loyalty³⁰⁰ (cheers).³⁰¹ If such was not its intention, at least, it had done so;³⁰² and if hereafter the Constitution was not better defended, but more valiantly attacked than it had been by the hon. member for St. Maurice, it would be because of³⁰³ the folly,³⁰⁴ ((and)) the infatuation of those representatives of the British Government in this country who went to the extent of sacrificing their friends to propitiate their enemies--(Cheers.)³⁰⁵

MR. CAUCHON ((spoke)) in French³⁰⁶. ((Il)) regrette beaucoup que la discussion ait pris une tournure aussi inattendue, mais ce qu'il regrette le plus c'est le retour sur le passé, l'attaque brusque et peu respectueuse du membre pour Sherbrooke contre l'honorable membre pour le comté de St. Maurice, qui ne l'avait assurément pas provoqué.³⁰⁷ ((He)) thought it was wrong to revive dissensions which could tend to no good, and wished the hon. member for Sherbrooke had abstained from the reflections he had made on the member for St. Maurice.³⁰⁸ Pour lui, il a toujours eu et conservera toujours un grand respect pour l'hon. membre pour St. Maurice. Les insultes personnelles qui sont tombées de la bouche de l'hon. membre qui ne fait que de s'asseoir seraient bien plus applicables à lui-même qu'à celui contre qui il les lance. Ces insultes ne peuvent qu'accroître la sympathie que le pays, que le Bas-Canada au moins, conserve pour cet homme. Si des gouverneurs ont déclaré que les maux du pays ont été causés par l'état d'anarchie qui a prévalu autrefois, pourquoi l'hon. membre pour St. Maurice n'aurait-il pas droit de le faire? La fusion entre les différentes origines du pays ne pourra pas assurément s'opérer par des discours semblables à ceux que l'hon. membre pour Sherbrooke vient de prononcer. L'hon. membre pour St. Maurice a exprimé des opinions que lui (M. Cauchon) ne peut partager, mais ce n'est pas une raison pour que la chambre revienne sur le passé. Si c'était le cas il serait prêt à prendre sa part de la responsabilité du passé. Il respecte les opinions de l'hon. membre pour St. Maurice parce qu'elles sont consciencieuses; mais si une forme de gouvernement doit être préférée à une autre c'est parce qu'elle est meilleure. Or quel a été l'objet de trente années de combat dans ce pays, si ce n'est d'obtenir la forme de gouvernement qu'il possède aujourd'hui? Il n'est cependant pas d'opinion, comme le membre pour Sherbrooke, qu'il ne faut pas de changement radical, car si c'était le cas il se retirerait de la chambre, il remettrait son mandat à son comté. L'hon. membre pour St. Maurice a raison de dire que l'Union a été injuste, personne n'osera dire qu'elle était équitable.³⁰⁹ He regretted the expression of the hon. member for St. Maurice, because he thought because he took his present course, the hon. member ought to have voted the supplies. He made no allusions, now, to any particular circumstance; but he said that in all countries, and even in Canada, the stoppage of the supplies was a

great evil. Fox himself when he proposed that measure, felt that this was true; and his conduct gave occasion to Pitt to return to power, more tyrannical than ever. England was then engaged in a struggle against Europe, and the refusal had the appearance of cowardice. That, it was true, made such a measure more dangerous; but it was also dangerous here.³¹⁰ Les hommes qui travaillent pour le pays doivent être payés, et payés libéralement. Il ne peut s'unir à l'hon. membre pour St. Maurice dans ses vues, relativement au conseil exécutif. Dans les Etats-Unis, il est vrai, le sénat est élu, mais c'est parce que là le système est différent du nôtre. Là il n'y a pas de prérogative, ni de responsabilité aux représentants du peuple--le gouvernement n'est pas même représenté dans la législature, parce que chaque place est obtenue immédiatement du peuple.--³¹¹ It was not, however, for statesmen to look to such or such a theory, but to look backward, and see what the system was formerly, in order to determine whether they should accept the present, and look forward to see what farther changes were required, in order to work them out of the present system.³¹² En Angleterre, on s'est servi de la forme actuelle du gouvernement pour opérer de grands changements; et aujourd'hui, quelle est la prérogative--où est le ministre ou le roi qui oserait résister au peuple comme George III l'a fait? Le bill de la réforme n'a-t-il pas été signé par le roi même, qui avait déclaré qu'il n'en passerait pas? Pour démontrer que le conseil législatif est un obstacle à la législation, il faut démontrer que l'administration qui possède la confiance du pays, se trouve dans la minorité là.³¹³ In that House the public voice had brought into power the men it approved; but it was not in two days from their accession, that members were to come and ask,--have you done this or that."--Measures must be prepared; but that could not be done in two days. Under an equitable Government acting with the confidence of the majority of the House, time should be allowed to mature useful measures: if after time had been given every proper means was not taken to restore the equilibrium of the representation it would be time to express disapprobation. The same men were already on the point of adopting these measures; but they were crushed by a power which no longer existed. The public voice was too strong for that power, and he was convinced that Responsible Government would be worked out.³¹⁴ For his part, as long as England would let us manage our internal affairs, and give us a fair trial of Responsible Government, as we now had every prospect of, he would vote against the disunion of the Provinces, but he would vote for the supplies, as Government had not had time to prepare to carry out the measures of reform the country required, the prorogation of Parliament would afford this time.³¹⁵ Before commencing an agitation, it was necessary to consider whether the result would place the country in a better position; for however beautiful a theory might appear, the man who thought for others, must consider above all, whether the end of the course he adopts will be for the greatest good of those for whom he labours. He should not give himself up to dangerous theories, but ask himself, if that which he admires, is precisely that which is necessary under all the circumstances. Perhaps the end of the agitation might be, that as one form of union had been forced on Lower Canada, another and still worse might follow. Believing as he did, that England was quite ready to leave the colony to govern itself, he would prefer to maintain the union, and live in hope, rather than run the risk of a change for the worse.³¹⁶

MR. CHAUVEAU ... spoke tending to justify the speech of Mr. Papineau.³¹⁷

MR. J.S. MACDONALD (Glengarry) addressed the House, he said--He was sure that every member of the House must be surprised at the turn which the debate had taken, but it having taken that turn he desired to express his views to the House. If he had understood the hon. member for St. Maurice aright, he had said that it was dangerous for them to commit themselves by a vote of supply at a moment like this--before they had any intimation from the new Ministry of the course which they intended to pursue with respect to the wants and wishes of the country--that³¹⁸ several³¹⁹ great organic changes were necessary in his opinion, of which he gave an explanation and which were to be found in his manifesto to the people of this Province. He had stated that he was particularly anxious that a declaration should be made by the new Ministers to the country.³²⁰ He (Mr. McDonald) was astonished to hear the honorable gentleman charge the Ministry with³²¹ neglecting to continue the business of the country and the House for so long a time--with a desire to stop the course of legislation without declaring what those great measures were which they proposed for the benefit of the country. He (Mr. McDonald) could well imagine that the recollection of the past should excite feelings in the mind of the hon. member for Sherbrooke.³²² He remembered, as a boy, participating in feeling in the glorious struggle carried on in Lower Canada³²³; he remembered the threats in the late Lower Canada Assembly, and his predilections were in favor of the minority, struggling against an overwhelming majority,³²⁴ for equal rights and justice, and for Responsible Government;³²⁵ for what they considered the rights of Britons. He asked the hon. member for St. Maurice in what position he was in, that day; and in what position he was at the period alluded to? Was it not Responsible Government that had produced the change, and placed him in an infinitely better position than when he was struggling with the seven or eight, of whom the hon. member for Sherbrooke was one?³²⁶ The hon. gentleman ... might, ere long, with the increase of population in Upper Canada, ask at their hands that assistance he was now talking of withholding.³²⁷ And yet to-day, at the time when the principles of Responsible Government were about to be³²⁸ fairly³²⁹ carried out, at the time when the party called to the head of the Government by the almost unanimous voice of the Province, who would carry out this principle, even now, of all times, the hon. member cast obstacles in the way, and threw a firebrand into the House,³³⁰ to obstruct the progress of measures which the Government had not yet had time to carry out.³³¹ He thought it very ill-advised in the hon. member for St. Maurice to rake up the embers of disunion³³². The one great mark of the hon. member's character was the candour with which he had announced his views; and he (Mr. M'Donald)³³³ hoped the people of the Province would repudiate ((them)) at any time and on any occasion.³³⁴ However much he might admire his candour, he could not but deprecate his conduct.³³⁵ Even now when they were going to establish a system of Government similar to that which prevailed in England, when they were about to establish it on a firm basis, they were told that it was not to have fair play; the Heads of the Government were called upon to declare their intention to make a change in the system of Responsible Government which the hon. member for St. Maurice declared he had no confidence in.³³⁶ The new system would produce the realization of the great principle--the greatest happiness for the greatest number--a system very different from that which prevailed before that unnatural rebellion which every one had so

much reason to deplore.³³⁷ Now for one he (Mr. McD.) was interested in the affairs of the country, he meant to live and die here, he was a Canadian, and was as fond of his country as any member on the floor of this House, and did he not believe that the home government had been mislead (sic) time and again in their rule of this Province, he should be ready to declare that the connection between the country and the mother country had been peculiarly hard on this country³³⁸. So far from not believing that he felt, that whenever the free expression of public opinion had reached the mother Country, she had desired to do justice to Canada.³³⁹ ((But)) the expression of public opinion had reached the Home Government counteracted by the faction that ruled in this country. He was convinced that Great Britain was disposed to do us justice. But now, before the plans of the present Ministry could be awowed, the hon. gentleman from whom he had expected better, had hinted that it would be dangerous to grant supplies, because the hon. gentlemen not now at their posts had not declared what was the plan they intended to pursue with regard to one of the greatest questions, a question calculated to divide and disunite the two portions of the Province, and destroy the feeling of good will and friendliness which one portion entertained for the other; an attempt to repeal the union would end in a civil commotion³⁴⁰. He would vote against it.³⁴¹ And what would they gain by a repeal of the union?³⁴² He hoped that few of the fellow countrymen of the hon. member for St. Maurice ... agreed with his views on the repeal of the Union, though he (Mr. McDonald) admitted³⁴³ that if they took population as the basis of representation, injustice had been done to Lower Canada by the Union Act.³⁴⁴ But now ... Ministers had not time to look into Bills, much more bringing any measures before the country. He thought the speech of the hon. gentleman was, to say the least of it, premature.³⁴⁵ The hon. gentleman complained of the Union having been forced upon Lower Canada against her will, and that the Upper Province was purchased to it. He said that in the position of the country at that time, after the rebellion brought about by the hon. gentleman's mistaken views,--that in the position of the country at the time Lord Durham came to the country and subsequently at the time when Lord Sydenham consented to the Union Act, that that Act was of the utmost importance to the welfare of the country.³⁴⁶ The Act, which like all the Acts of Lord Sydenham was contrived with consummate skill, was the most important result of the struggles of that period.³⁴⁷ Loud cries of "oh, ooh!"³⁴⁸ It unquestionably was. He knew there were ... ((three)) parties in this House; there was the party³⁴⁹ from Lower Canada³⁵⁰ of which the hon. member for St. Maurice was the head, who were opposed to the Union and desired to break it up;³⁵¹ and another party from Upper Canada who wished the same thing;³⁵² and there was another party who supported it; and he would ask the hon. member for St. Maurice in what situation he would find himself were he to agitate the Province upon a question of such vital importance as this? This was an experiment which would work well,³⁵³ if the agitation of the question of representation were avoided³⁵⁴ and if they only avoided agitating the question unnecessarily, in a few years the hon. gentleman would have little to complain of. Emigration would flow to this country--³⁵⁵ ((and)) if Emigration continued, in a few years the hon. member would have little to complain of on the score of the representation of Lower Canada being too small.³⁵⁶

COL. PRINCE rose to order. This had nothing to do with the question

before the House.³⁵⁷

MR. J.S. MACDONALD ((continued:)) The question of supply was one which afforded the greatest latitude for the debate of all questions connected with the state of the country.³⁵⁸

MR. MORIN, decided that on the votes for supplies, fullest scope was always allowed for debate, but the mode of debate and good feeling with which it ought to be carried on, he would leave to hon. members to decide.³⁵⁹

MR. J.S. MACDONALD knew his hon. friend from Essex was wrong, and was glad to have had an opportunity of correcting him. This question had taken him by surprise. He thought that it was a debate which ought to have come out when parties were prepared with statistics and copious extracts from the writings and doings of the time of which the hon. member for St. Maurice had spoken. It ought properly to have come up on the debate on the answer from the speech to the Throne, or on a motion to take the state of the Province into consideration; but having come up, he thought it incumbent on hon. members to give a full and fair expression to their opinions on a question like this, affecting the peace and welfare of the country; and if he (Mr. M'Donald) had said anything out of place, or improper, or passed any reflections on the motives of any man, he had not wished or intended to do it; but as the speech which had been made by the hon. member for St. Maurice would go north on the wings of the press,³⁶⁰ he could not sit quiet and let it be supposed that reformers from Upper Canada sanctioned the views³⁶¹ of the honourable gentleman. Was it from a party in Upper Canada that the hon. member for St. Maurice expected support?³⁶² The famous manifesto of Mr. Papineau caused his constituents, and not his only, but all through the country,³⁶³ ((including)) Upper Canada,³⁶⁴ to ask are you for Papineau or the Queen?³⁶⁵ It would be said that Papineau had come out, that in the recess he would be preparing the means for bringing on the question of increasing the representation, and that the liberal representatives from Upper Canada dared not oppose him, and need never go back to their constituents for not doing so. There was nothing so well calculated to lessen the influence ministers ought to have with the country, as agitation on this question.³⁶⁶ As an humble member of that House, he would repeat what he had heard of the intentions of the honorable member for St. Maurice, that was that in the recess he intended to agitate and widen, if possible, the breach he was now desirous of making in the present Administration.³⁶⁷ Then, was it from the party on the other side of the House that the hon. gentleman looked for support?³⁶⁸ He would refer hon. members to the Journals of this House for 1837 and 1838,³⁶⁹ at the time that the Union Act was discussed, and let him ask the hon. member for Toronto what were the resolutions³⁷⁰ of that party in 1841, and, see whether he would get more from them, than from the Liberals. The latter would in a few years, effect all the measures which justice could require; but³⁷¹ if he desired to force this question, he must recollect that there were other interests to be considered besides the interests of Lower Canada; that in a very few years he would not have to complain that Lower Canada had a majority in population. He had better then not be throwing discord and confusion into the ranks of those from whom he might expect most. For one, he (Mr. M'D.) was disposed to vote the supplies without asking the present Ministers what measures they would propose. He had confidence in them:

if he had not that confidence, he should not have a seat in that House--he should not have been sent here by his constituents;³⁷² his constituents sent him to parliament to support that system, which the hon. member for St. Maurice, in its early stages, had encouraged, but which he was now doing what he could to overturn.³⁷³ At this time the hon. member for St. Maurice told them not to commit themselves by voting the supplies. The constitutional way of stopping the supplies was to move a vote of want of confidence.--If the honorable gentleman wanted to oppose the Ministry now called to power, let him move a vote of want of confidence in them³⁷⁴ and give early notice of his intention to move it³⁷⁵--because they had not told what measures they proposed for the good of the country, and because they did not go with him upon the question of the repeal of the Union, and altering the basis in which the representation was founded; but³⁷⁶ he thought it very strange for him to try and upset the Liberal party--a party that he was always connected with.³⁷⁷ He hoped that few would be found in that House to refuse to give to the party now in power an opportunity of carrying out the great principles of Responsible Government of which they had been so long deprived. (Cheers.)³⁷⁸

MR. CAYLEY. Unfortunately his knowledge of French was not sufficient to enable him to understand all that had fallen from the hon. member for St. Maurice; but with respect to Upper Canada, she was sold, and did not sell herself,--a distinction well known to those acquainted with the English language,--and with regard to corruption of the Government, he would throw back the words.³⁷⁹ The hon. late member for Ottawa, and the hon. member for Megantic had been alluded to in the debate: as to the first, he could only say that he never met a more single minded person; and he was perfectly willing to assume the responsibility of all the acts of the last.³⁸⁰

MR. PAPINEAU addressed the House in English. He said that he should not have risen again but for the misunderstanding on the part of the hon. gentleman who had spoken, of what he had before said--a misunderstanding which had arisen probably from their not understanding the language in which he (Mr. P.) had addressed the House. The hon. member for Sherbrooke had made this discussion, which ought to take place on public grounds and consideration, merely personal and offensive, by remarks which he should not answer, because the voice of the country was louder than could be the aspersions of a man who had in turn voted with all parties and against all parties, (loud cries of hear, hear), and who had falsely and to excite the prejudices of a large section of the House, misquoted what he (Mr. P.) had said. Not a word in his observations had gone to say that Upper Canada was wholly corrupt³⁸¹ or about her being sold³⁸² ((or)) that owing to that corruption the measures of which he complained had taken place (hear, hear.)³⁸³ But he said that it was by corruption that the Union was carried.³⁸⁴ He had risen with the observation that the proposed mode of voting the subsidies was to be regarded as an official intimation that it was the intention of the Ministers who had just been called to office by the vote of want of confidence which the House had passed on their predecessors, to put a stop to the present session of Parliament; and he had stated that it was a question on which the House ought to be consulted. He had not urged that the supplies be refused;³⁸⁵ but only thought the House should not at present vote them.³⁸⁶ He had merely urged that if the House should come to the belief that a useful

session could and ought to take place at present, the present motion might be postponed, and that as soon as they should have the help and joint labour for the good of the country of their friends now called to look to their elections, they ought to have a useful session of the Legislature.³⁸⁷ A longer Session was necessary for the business of the country³⁸⁸. He had said also that there was every motive to desire that they should have such a session, that the circumstances of some of their colleagues having been called to office and vacated their seats, was no valid reason for not having such a session. If they looked into Parliamentary history, they would find that the decided preponderance of a party after a general election, did not induce that party to put an immediate stop to the session of Parliament. In Nova Scotia at the present moment, where a change of parties had just occurred, the session was being continued usefully, and that it was just that we should have a session. He had said that the late Administration was weak, and that had they continued in office, it might have been expected that the legislation which they would have granted would have been one calculated to strengthen their large prerogatives, increase the expenditure, and restrict the public liberties--that this might have been expected from the little which they had done while in office, and from the little they had done while under the name of the "Family Compact" in Upper Canada, and "Her Majesty's Opposition" in Lower Canada,--(Cheers.)--where they had driven the population to desperation (loud cries of hear, hear),--set at naught a vote of the House of Assembly carried against them by an immense majority; and that it was through their management of the then Governor through their influence in a branch of the Legislature which had not the confidence of the people, the Legislative Council as then and as now constituted, that they had been able to oppose the will of the minority to the just desires of the majority for Responsible Government. (Cheers.)³⁸⁹ He felt no distrust in the present Government³⁹⁰. He had proclaimed his distrust in what was called Responsible Government--not in Responsible Government itself. (Hear, hear.) Why, Responsible Government in sincerity, in truth, in fullness, was good government (hear, hear), and it would be an absurdity to say that he distrusted good government.³⁹¹ Le principe est bon ... en lui-même; C'est-à-dire comparativement. C'est ce qu'il y a de meilleur après les institutions démocratiques. Les hommes qui sont appelés à mettre aujourd'hui ce système en opération lui paraissent bons aussi. Il veut leur donner toutes les chances possibles de succès.³⁹² But by whom was this boon ((Responsible Government)) offered? By persons who were clothed with dictatorial power, whose³⁹³ sinister³⁹⁴ feelings and views were to be found in the public documents which bore the signature of their names--by persons the whole tenor of whose administration have been opposition to Responsible Government. These were the men selected to carry it into practice. (Cheers.) He had distrusted it when it was given by those who were at heart and in practice tyrants--(hear, hear)--by men who had openly avowed that it was by management and bribery, and by great efforts on their part, that they could carry measures to which the majority of the people in the two Provinces were opposed--that he had mistrusted the guides whom they were to follow. He had said that in the present Administration he had the fullest confidence; these men whose entire lives showed that they were real lovers of Responsible Government; but that while he had confidence in that, being summoned to office, they would see that the Administration was

carried out well and for the public good, yet he feared that it might be that they were in error at this the first moment in intimating that their intention was not to carry on the present session of Parliament. If after they had had a Ministry for three years too weak to carry out measures at the moment when they had one strong, they were to do nothing again because it came too late into power. He understood that the present session would not bring them all those wise and good measures which the next session would bring; but some good and useful measures might be adopted during the session. Having members called from all parts of the Province at great public expense, from Sandwich to Bonaventure, it would prove that there was in the system of Responsible Government as carried out here, whether understood or misunderstood, insurmountable and inevitable difficulties. He had then referred to the unequal representation in the two Provinces.--They had in the Upper Province six boroughs, which, at the time of the last census, had not more than 1,200 inhabitants, sending six representatives to Parliament, while in the Lower Province, two counties having 4,000 inhabitants--each of which, if being part of the same empire, and were put on the same footing, would have twenty-four representatives instead of two--(hear, hear)--a difference which there was no cause, no pretext, no reason, why anyone calling himself a Liberal, or having any liberal feeling, should excuse or advocate. (Hear, hear, and cheers.) He had said that the urgency of looking, as early as possible, to the remedy of this first and principal defect arising to their present constitution, and which it was left to the Legislature of the Province to remedy, ought to be looked into instantly. (Cheers.) He had not said that the Ministers ought to have brought in a bill the moment they came into the House, what he had said was that the subject was one which could not have escaped their attention or the attention of any man who had given the least heed to a subject of such vast importance. He had also observed that the leading member of the Cabinet for Upper Canada had stated to his constituents that it was justice to them and to the country at large that the representation should be enlarged. He had said also that there were so many difficulties to overcome in connection with the subject that they ought not to be without a session now during which a measure might be advanced, might be prepared and discussed, if not carried for the present, it might at least be prepared for the next session. The Legislative Council, constituted as it was at present, not having the confidence of the people and opposed to the large majority of the Provincial Assembly, could not work with the representatives of the people, and he had remarked that it was a subject for future consideration whether this body should not be now modelled; the change of a few men was not sufficient, its whole constitution and character must be changed. In order to know what infusion of liberality must be poured into it, to make it a working accompaniment to the House of Assembly, it ought to be tested, a vote ought to be taken in order to understand if they concurred in the opinion that the representation of the country ought to be enlarged, and he stated it as his opinion that that representation ought to be based on the proportion of the population. That there was no justice except in that system, in a new country, where the possession of land was accessible to all, where there were large masses of the people amongst whom there were no conflicting interests, a state of things which was essentially democratic, no one being deprived of his possession of the soil, as was the case in an overpopulated country where a

few were masters of the soil, and the masses of the people their tools and servile dependants. That this state of thing (sic) not existing here, there could be no pretext as there was in England for a system of rotten boroughs as in England these boroughs had formerly been large town (sic), now decayed, and which ought not to be punished for their misfortunes by being disfranchised, and having enjoyed the rights for centuries, they could not be taken away without agitating the whole society. It had been found necessary therefore to do away with it in the progress of time, but here there was no reason to introduce such a system. Two thousand electors in one place ought not to have one representative, and four thousand in another place only one representative, when there were no clashing interests, but a community of interests. (Cheers.) There was no reason, no virtue, in any Legislature that upheld, that fostered such a system, therefore he said that an early opportunity should be taken, even during this session, of testing the opinion of that body on some bill or resolution which would show how many must be added to it, in order to secure two-thirds of the voices, in case this House should come to the conclusion that the representation ought to be increased; and he had added that it would be strange if they should find among the men in that House, calling themselves Liberal, a majority who dared not to be so liberal as Lord Durham, who repudiated the idea of taking any other basis than that of population, upon which to found the representation; and that as he (Mr. P.) would not wish to bear injustice, neither would he wish to inflict it; and that if for a moment the basis of population gave them the majority, their friends from the Upper Province had no reason to fear that the French majority would be in any way prejudiced against them, or against any of their political rights. Had not the people of Lower Canada been foremost in calling Dissenters of all denominations to participate in equal rights with their fellow subjects? The men in power whose education had been French, had invariably been favourable to the utmost toleration, the utmost freedom of every man to enjoy his peculiar religious tenets, believing that it was a matter between him and his God, and for which he was accountable to no man. The same freedom was accorded at once to their Israelitish brethren, and it might be justly their pride that they had been the first³⁹⁵ in any part of the Empire³⁹⁶ to put them on an equal footing with themselves. (Cheers.) Was there any measure conducive to Provincial liberty, which had been marred by the French Canadians? (Cheers.) Yet the political institutions from which they had sprung had been altogether despotic. True, that France in early times had given preference to monarchy and absolutism; but when, following the glorious example of the American revolution, France renovated herself through deplorable crimes, through years of calamity and violence--established order--reformed her laws--advocated political freedom--and did away with the privileged orders--she constituted herself, next to the United States, the most democratic country of modern times. Was there any fear, then, that the French could be hostile to the liberties of the people? It was under these circumstances that he had said that it would be advisable to delay the consideration of the motion, now before the chair, granting the supplies--not denying the supplies, or denying confidence to those whom they had put into power, but merely asking that, whatever else they would not do, they should consider this question of the representation during the present session. After some allusion to the necessity of improving the Municipal Act, in order that a census of the population of Lower Canada might be fairly taken, Mr. Papineau

concluded his address nearly in the following words--Mr. Speaker, I believe I have expressed all that I stated when I last addressed the House, and I hardly think that it is worthwhile reverting to the personal abuse of the member for Sherbrooke. Whatever has been the part I have taken in public life³⁹⁷ it had met with the concurrence of a large proportion of the population.³⁹⁸ I believe that it has the approval of those whose approval I have desired. (Hear, hear.) Two large counties have, without my solicitation, offered me their representation, after I had given my views openly and boldly, because I did not wish to take by surprise a seat in this House, and because I expected an election. I am not here by choice, but by compulsion, because I respect and love the democratic portion of our institutions--this House; because I have opposed all the other powers constituted in this country all the days of my life, and all my life have loved the representative body of the people. But, sir, the reproach, that it was the instigation of one man that drew the people into their trials and sufferings, when the people have absolved that man, is a most groundless, unjust and unfeeling accusation, and quite out of place in a debate here³⁹⁹.

Loud cries of "Hear, hear," from all parts of the House.⁴⁰⁰

MR. PAPINEAU ((continued:)) and certainly the terms "wicked rebel" and "base and servile courtier," bandied from one side of the House to the other, will not lead to the advancement of the public good. (Renewed cheering.) When England invaded our rights, seized on our revenues and distributed them in an unconstitutional manner, and trampled on the first principles of Responsible Government, I advised the people to take all possible means to make the keeping of the colony onerous to the mother country so as to oblige her to do us justice. I advised the refusal of the supplies--the most forcible means given to the representatives of the people--in order to seek the removal of abuses. To the last moment we advised the people not to think of armed resistance, for which they were not prepared, but to discontinue the use of all taxed articles, and thereby make the revenue as small as possible, since it was taken from the people in an unconstitutional manner, and against the will of their representatives. If the other party had kept within the bounds of the law as we did,--and as it has been acknowledged in the official correspondence of the Governor, who could not bring the agitators to trial, because they had kept within bounds of the law,--there would have been no trouble. If the other party had respected the laws as we did there would have been no trouble. But instead of this, there were immediate volunteers,⁴⁰¹ and cavalry troops,⁴⁰² military men offered their services, and gallant Colonels ... ((walked)) behind soldiers where there was no danger (hear, hear), arresting people against whom there was no accusation, no warrant, only displeasure, without law, and contrary to law (loud cries of hear, hear); and from that moment the people were thrown upon their self-defence: they resisted not the law, but these military bands; and at the very moment when these military bands were advancing those who are now accused of inciting them, consulted together and advised the people, "If persons come against you with warrants for seditious practices, surrender; if they come with warrants for high treason, then it is proof that the law of the land is to be set at naught that martial law is proclaimed; therefore contrive, if possible, to fly

to the States. If you are to be tried according to the laws of your country, by a jury of your countrymen, fear nothing, being unprepared for resistance, fly. If the Governor of the day, overruled by a weak Council, had not gone to the extreme of proclaiming illegal martial law, no troubles would have broken out. (Hear, hear.)⁴⁰³ The Governor had since acknowledged that if these extreme measures had not been taken, no trouble would have broken out.⁴⁰⁴ If, Sir, we are to have a Responsible Government, it must be one in which public opinion can influence the Governor and the Ministers, and the representatives. And how can they be influenced if there is no freedom of speech, of discussion, if personal abuse is to change altogether the nature of the discussion; and surely reverting to the past can be of no good in looking to the future. I say, then, that reform of Parliament is the first measure which we ought to entertain; and that the first principle of representation is to let it be in proportion to the population; but the discussion of questions like this ought not to give rise to angry, unparliamentary, unfeeling declamation, alike inconsistent with Parliamentary practice, or that freedom of debate which this House ought to allow. (Loud cries of "Hear, hear.") I think, Sir, that I have explained, not retorted. (Hear, hear.) I do not enter into the private life of the gentleman who has been willing erroneously, and in a most unfounded manner, to misrepresent both what I said to-night and my past life. I do not enter into it, but I conceive that he, of all other men, ought to guard against a searching enquiry into his private life.⁴⁰⁵

Loud cries of "Hear, hear," from all parts of the House.⁴⁰⁶

MR. J.S. MACDONALD (Glengarry) had misunderstood the hon. gentleman, and was sorry for it.⁴⁰⁷ After hearing him in English, he adhered in the main to what he had said.⁴⁰⁸

MR. BADGLEY thought that it was much to be regretted that the hon. member for St. Maurice had not addressed the House in French in the same way that he had done in English. If he had done so, his (Mr. B.'s) ears must have deceived him; for he had certainly understood the hon. gentleman in the same way that the hon. member for Glengarry had done. It was perfectly plain and distinct that he had called upon the Administration to state what their measures would be, and that he had recommended that the supplies should not be granted till they had done so.⁴⁰⁹

Cries of "No, no," from the French members.⁴¹⁰

MR. BADGLEY ((continued:)) The hon. gentleman had certainly stated that the supplies ought not to be granted till the new Ministers came back from their constituents. (No, no.) If he (Mr. B.) had misunderstood the hon. gentleman, it was in common with those around him. (Hear, hear.)⁴¹¹ The hon. member had abused the Administration for the passing of the Municipal Bill, but if he referred to the Journals he would find that a great many French members voted for it; he made these remarks to show how easy it is to make misrepresentations against Ministers. He did not say the Bill was perfect, though he thought if the Bill had a fair trial and the country had time to understand the working of it, it would be found to answer well.⁴¹²

MR. H. BOULTON (Norfolk) thought it a pity that those members from Lower

Canada, who could express themselves so well⁴¹³ in English⁴¹⁴ as the hon. member for St. Maurice had done, did not⁴¹⁵ always do so,⁴¹⁶ to prevent this misunderstanding (hear, hear....)⁴¹⁷ as the great majority of this House understood no other language.⁴¹⁸ For his own part, he had not heard the expressions attributed to the hon. member;⁴¹⁹ he had understood tolerably well what the hon. member for St. Maurice had said,⁴²⁰ nor did he think that there had been anything inflammatory in the address he had delivered; on the contrary, he (Mr. B.) was prepared to agree with him in the greater part of what he had said. (Hear, hear.)⁴²¹ As it was not 12 o'clock he would move, seconded by MR. DUCHESNAY, that this House do adjourn.⁴²²

SIR A. MACNAB had felt a little aroused by what he had heard of the French speech of the hon. member for St. Maurice, and had thought that great injustice had been done to Upper Canada; but the speech that they had just heard⁴²³ in English,⁴²⁴ was a perfectly parliamentary speech--just the speech he should have expected from the hon. member--and⁴²⁵ he must say that in a great measure he concurred with him.⁴²⁶ He did not wish it to be understood that he concurred in the whole of that speech, but he approved of the greatest part of it.⁴²⁷ He had spoken his sentiments frankly and boldly, as he had a right to do in that conjuncture;⁴²⁸ he thought they ought to speak their minds out freely in that House. For his own part,⁴²⁹ feeling no shame in agreeing with the hon. gentleman, he would support him when he thought him right, and oppose him when wrong.⁴³⁰ (Hear, hear.)⁴³¹

Col. Gury rose amidst loud and incessant calls of "question" and "spoke"⁴³².

COL. GUGY. At last ... Col. Gury obtained a hearing. He said, that the House would surely not compel him to retire to rest without having answered some of the remarks of the hon. member for St. Maurice. ("Spoke, spoke.") He had to charge him in the presence of this House with an uncandid act in making a speech in a spirit of most perfect propriety, which had it prevailed at the time he addressed the House in French would not have compelled him (Col. G.) to have troubled the House with a single observation.⁴³³ The hon. gentleman had not said in English what he had stated in French.⁴³⁴ In his address in French he had maintained that it was necessary and indispensable herewith to repeal the Union Act to reconstruct the Legislative Council.⁴³⁵

Loud cries of "no, no."⁴³⁶

COL. GUGY ((continued:)) He understood the French language as well as any man on the floor of that house,⁴³⁷ (cries of hear, hear,)⁴³⁸ or perhaps, in the world⁴³⁹ (much laughter,) and he asserted that there could be no doubt of what he said, as the reporters would show tomorrow. And this was not all, it was accompanied by a series of what appeared to him (Col. G.) most malignant imputations on the good faith of the British Government and nation. (Cries of "spoke" and "question.") He would submit to the House some of the expressions which the hon. gentleman had made use of. He had described the system of Responsible Government existing in this country as "monstrous." (Hear, hear.)⁴⁴⁰ ((He had)) deprecated the present system of Representation as corrupt and monstrous, and said that Lord Sydenham had bought⁴⁴¹ the whole of Upper Canada⁴⁴² (avait acheté le Haut Canada).⁴⁴³ (Loud cries of "hear, hear," and "spoke.") Hon. members might be of that opinion, he (Col. G.) was not.⁴⁴⁴ ((He had)) said that the shame of England,

and the misery of Ireland, which followed the Union of those two countries, had been copied in the Union of the two Provinces⁴⁴⁵, (*l'opprobre et la misère de l'Irlande comme elle avait été de ce pays.*)⁴⁴⁶ (Hear, hear.) It appeared to him that opinions of this kind came with a very bad grace from the hon. member for St. Maurice. Had the French speech been spoken in the same spirit as was the English one,⁴⁴⁷ he (Mr. G.) would not have been obliged to allude to his remarks. By doing so he had already been subjected to personal abuse, which he cared nothing for. He wished to bring before the House the remarks of the hon. member, so that when his speech was laid before the Country, it might not be said that he had silently concurred in the charges made by the hon. member.⁴⁴⁸ The contrast ((between the hon. member's two speeches)) was so great, the discrepancy between the two so remarkable, that it was impossible to help making remarks on it, certainly not creditable to the honourable member's conduct. The hon. member had been pleased to advert to and remark upon what he had called personal abuse. Now there were occasions when it became necessary to advert to the conduct of individuals. The hon. member had been pleased to advert to him (Col. G.) personally, as a gallant Colonel who had made arrests while protected by troops; but that was a mistake⁴⁴⁹. He had, thank God, never made any arrests; on the contrary, he had liberated many that had fallen into his power⁴⁵⁰ but there was another member on his own side of the House who had. (Hear, hear.)⁴⁵¹ But when the hon. gentleman reverted to him (Col. G.) as one who might have cause to fear a searching enquiry into his private life, he could only say that that language deserved to be treated as the language of a calumniator and a liar.⁴⁵²

Great commotion, and shouts of "Order" and "Chair."⁴⁵³

COL. GUGY ((continued:)) Such remarks could proceed only from calumniators and liars. (Order.) He disregarded them.⁴⁵⁴ He feared no enquiry;⁴⁵⁵ he, thank God, had no blood on his hands.⁴⁵⁶

Cries of order, from the French members.⁴⁵⁷

COL. GUGY ((continued;)) None could say that the lives of innocent men had been lost--that the tears of widows and orphans had been made to flow by his selfish--cowardly agitation.⁴⁵⁸

Loud cries of hear and order, and great excitement.⁴⁵⁹

Silence shouted COL. GUGY, silence⁴⁶⁰.

A number of members then rose to call the hon. member to order⁴⁶¹.

COL. GUGY. Here the confusion became so great, and the cries of "Order" so incessant that the gallant Colonel gave way and resumed his seat.⁴⁶²

MR. MORIN having succeeded in obtaining silence; said, that, even if in order, the less that was said about such matters, the better.⁴⁶³

The question, that the supplies be granted, was then carried in the affirmative⁴⁶⁴.

The debate was adjourned on the motion of MR. H. BOULTON, seconded by MR. DUCHESNAY.⁴⁶⁵

(38)

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider of that Motion.

Orders deferred. Ordered, That the Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Laurin, seconded by Mr. Cauchon,

The House adjourned.⁴⁶⁶

APPENDIX: 14 MARCH 1848.

((QUESTION AND ANSWER RE: PROROGATION.))

MR. CHABOT. During the evening Mr. Chabot was pertinacious in his enquiries as to the day of prorogation⁴⁶⁷.

MR. DRUMMOND expressed his inability to give any other answer than the one given ... ((previously))--in a very few days.⁴⁶⁸

FOOTNOTES: 14 MARCH 1848.

1. MONTREAL GAZETTE, 15 March 1848, noted that: "Mr. Baldwin and Mr. Hincks were present behind the throne during the proceedings of the House."
2. The debate on this matter was reported by: MONTREAL GAZETTE, 15, 17 March 1848; GLOBE, 22 March 1848; PILOT, 16 March 1848, and PACKET, 24 March 1848, in identical accounts; and MONTREAL TRANSCRIPT, 18 March 1848, PROVINCIALIST, 28 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, whose accounts were identical except that the PROVINCIALIST's version was shorter.
3. MONTREAL GAZETTE, 15 March 1848.
4. MONTREAL TRANSCRIPT, 18 March 1848.
5. IBID.
6. MONTREAL GAZETTE, 17 March 1848.
7. IBID., 15 March 1848.
8. PILOT, 16 March 1848.
9. IBID.
10. IBID.
11. MONTREAL GAZETTE, 17 March 1848.
12. PILOT, 16 March 1848.
13. IBID.
14. MONTREAL GAZETTE, 17 March 1848.
15. IBID.
16. IBID.
17. MONTREAL TRANSCRIPT, 18 March 1848.
18. MONTREAL GAZETTE, 17 March 1848.
19. MONTREAL TRANSCRIPT, 18 March 1848.
20. MONTREAL GAZETTE, 17 March 1848.
21. MONTREAL TRANSCRIPT, 18 March 1848.
22. IBID.
23. The debate on this motion was reported by: HAMILTON SPECTATOR, 22 March 1848; L'AVENIR, 17 March 1848; GLOBE, 22 March 1848; MONTREAL GAZETTE, 15, 17 March 1848; PILOT, 16 March 1848, and BRITISH WHIG, 22 March 1848, in identical accounts; and MONTREAL TRANSCRIPT, 18 March 1848, PROVINCIALIST, 28 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts.
24. MONTREAL GAZETTE, 17 March 1848.
25. IBID.
26. IBID.
27. IBID.
28. PILOT, 16 March 1848.
29. GLOBE, 22 March 1848.
30. PILOT, 16 March 1848.
31. MONTREAL GAZETTE, 17 March 1848.
32. PILOT, 16 March 1848.
33. MONTREAL GAZETTE, 17 March 1848.
34. PILOT, 16 March 1848.
35. MONTREAL GAZETTE, 17 March 1848.
36. IBID.
37. IBID.
38. IBID.

39. PILOT, 16 March 1848.
40. MONTREAL GAZETTE, 17 March 1848.
41. IBID.
42. PILOT, 16 March 1848.
43. MONTREAL GAZETTE, 17 March 1848.
44. IBID.
45. IBID.
46. IBID.
47. PILOT, 16 March 1848.
48. IBID.
49. MONTREAL GAZETTE, 17 March 1848, noted that: "Mr. H. J. Boulton was present but did not vote."
50. MONTREAL TRANSCRIPT, 18 March 1848.
51. IBID.
52. IBID.
53. The debate on this matter was reported by: GLOBE, 22 March 1848; LE CANADIEN, 17 March 1848; MONTREAL TRANSCRIPT, 18 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts; MONTREAL GAZETTE, 17 March 1848, and CHATHAM GLEANER, 28 March 1848, in identical accounts; PILOT, 16 March 1848, and BRITISH WHIG, 22 March 1848, in identical counts; and LA MINERVE, 16 March 1848, LE JOURNAL DE QUEBEC, 21 March 1848, and L'AVENIR, 17, 21 March 1848, in identical accounts.
54. PILOT, 16 March 1848.
55. GLOBE, 22 March 1848.
56. PILOT, 16 March 1848.
57. IBID.
58. IBID.
59. LA MINERVE, 16 March 1848.
60. PILOT, 16 March 1848.
61. LE CANADIEN, 17 March 1848.
62. IBID.
63. MONTREAL GAZETTE, 17 March 1848.
64. LE CANADIEN, 17 March 1848.
65. PILOT, 16 March 1848.
66. MONTREAL GAZETTE, 17 March 1848.
67. MONTREAL TRANSCRIPT, 18 March 1848.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. MONTREAL GAZETTE, 17 March 1848.
74. PILOT, 16 March 1848.
75. LE CANADIEN, 17 March 1848.
76. MONTREAL GAZETTE, 17 March 1848.
77. MONTREAL TRANSCRIPT, 18 March 1848.
78. The debate on this motion was reported by: GLOBE, 22 March 1848; PILOT, 16 March 1848, and BRITISH WHIG, 22 March 1848, in identical accounts; and MONTREAL TRANSCRIPT, 18 March 1848, PROVINCIALIST, 28 March 1848, PRINCE EDWARD GAZETTE, 24 March 1848, and PACKET, 25 March 1848, in identical

accounts. MONTREAL GAZETTE, 17 March 1848, and CHATHAM GLEANER, 28 March 1848, noted the debate in identical accounts.

79. MONTREAL TRANSCRIPT, 18 March 1848.
80. IBID.
81. IBID.
82. PILOT, 16 March 1848.
83. GLOBE, 22 March 1848. Although the PILOT, 16 March 1848, quoted the figures "forty thousand" and "48,000", mathematical calculation shows that the GLOBE's version of "four to five hundred thousand" was the correct one and thus this version has been given here and below.
84. PILOT, 16 March 1848.
85. GLOBE, 22 March 1848.
86. PILOT, 16 March 1848.
87. MONTREAL TRANSCRIPT, 18 March 1848.
88. GLOBE, 22 March 1848.
89. MONTREAL TRANSCRIPT, 18 March 1848.
90. PILOT, 16 March 1848.
91. MONTREAL TRANSCRIPT, 18 March 1848.
92. IBID.
93. IBID.
94. IBID.
95. GLOBE, 22 March 1848.
96. MONTREAL TRANSCRIPT, 18 March 1848.
97. GLOBE, 22 March 1848.
98. MONTREAL TRANSCRIPT, 18 March 1848.
99. PILOT, 16 March 1848.
100. IBID.
101. GLOBE, 22 March 1848.
102. PILOT, 16 March 1848.
103. GLOBE, 22 March 1848.
104. PILOT, 16 March 1848.
105. GLOBE, 22 March 1848.
106. PILOT, 16 March 1848.
107. MONTREAL TRANSCRIPT, 18 March 1848.
108. PILOT, 16 March 1848.
109. MONTREAL TRANSCRIPT, 18 March 1848.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. The debate on this matter was reported by: GLOBE, 22 March 1848; PILOT, 16 March 1848; MONTREAL GAZETTE, 15 March 1848; MONTREAL GAZETTE, 17 March 1848, and CHATHAM GLEANER, 28 March 1848, in identical accounts; LE CANADIEN, 17 March 1848; and MONTREAL TRANSCRIPT, 18 March 1848, PRINCE EDWARD GAZETTE, 24 March 1848, and PROVINCIALIST, 28 March 1848, in identical accounts. "Il y eut une très longue discussion", commented LE CANADIEN, 17 March 1848. GLOBE, 22 March 1848, described it as "keen debate".
116. PILOT, 16 March 1848.

117. GLOBE, 22 March 1848.
118. PILOT, 16 March 1848.
119. MONTREAL GAZETTE, 17 March 1848.
120. PILOT, 16 March 1848.
121. MONTREAL GAZETTE, 17 March 1848.
122. MONTREAL TRANSCRIPT, 18 March 1848.
123. MONTREAL GAZETTE, 17 March 1848.
124. According to PILOT, 16 March 1848, Notman gave "an able and energetic speech".
125. MONTREAL TRANSCRIPT, 18 March 1848.
126. PILOT, 16 March 1848.
127. MONTREAL GAZETTE, 17 March 1848.
128. PILOT, 16 March 1848.
129. IBID. MONTREAL GAZETTE, 17 March 1848, observed that Cameron spoke "very eloquently".
130. LE CANADIEN, 17 March 1848.
131. PILOT, 16 March 1848.
132. LE CANADIEN, 17 March 1848.
133. GLOBE, 22 March 1848.
134. MONTREAL GAZETTE, 17 March 1848.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. The debate on this motion was reported by: PILOT, 16 March 1848, PACKET, 25 March 1848, and BATHURST COURIER, 24 March 1848, in identical accounts, except that the COURIER omitted certain speeches contained in the other papers; MONTREAL GAZETTE, 17 March 1848, and CHATHAM GLEANER, 28 March 1848, in identical accounts, except that the account in the GLEANER was abbreviated and contained fewer speeches; MONTREAL TRANSCRIPT, 18 March 1848, PRINCE EDWARD GAZETTE, 24 March 1848, and PROVINCIALIST, 28 March 1848, in identical accounts; HAMILTON SPECTATOR, 22 March 1848, which mistakenly identified its source as the MONTREAL GAZETTE, GLOBE, 25 March 1848, copying the MONTREAL HERALD, MORNING CHRONICLE, 20 March 1848, MONTREAL TRANSCRIPT, 18 March 1848, some of whose columns have been cut away, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts, except that the SPECTATOR's and GLOBE's contained more speeches than those in the other papers; GLOBE, 22 March 1848; LE JOURNAL DE QUEBEC, 18 March 1848, which noted the debate, and 24 March 1848, containing a translated version of Papineau's second speech obtained from PILOT, 18 March 1848; L'AVENIR, 18 March 1848; LE CANADIEN, 17 March 1848, which noted the debates; LA MINERVE, 16 March 1848, and LE JOURNAL DE QUEBEC, 21 March 1848, in identical accounts; L'AURORE, 21 March 1848, in an account identical to LA MINERVE, 16 March 1848, except that it omitted certain speeches and carried a translation of Papineau's second speech contained in the PILOT, 18 March 1848; and BRITISH WHIG, 22 March 1848, in an account identical to PILOT, 18 March 1848, and also containing abbreviated versions of Papineau's and Guey's first speeches from the MONTREAL GAZETTE, 17 March 1848. Commentaries may be found in MONTREAL TRANSCRIPT, 18 March 1848, and PILOT, 21 March 1848. The PILOT, 16 March 1848, observed: "We

regret to say that rather an angry discussion took place in the House on Tuesday evening, originating in Col. Gagy having assailed Mr. Papineau's conduct in former times in a manner as unparliamentary as it was uncourteous." The MORNING CHRONICLE, 17 March 1848, described the discussion as "warm and animated." LE CANADIEN, 17 March 1848, reported that Papineau's first speech took one and a half hours, whereas MONTREAL TRANSCRIPT, 18 March 1848, gave the total time of Papineau's and Gagy's exchange as one hour and a half.

140. GLOBE, 22 March 1848.
141. BRITISH WHIG, 22 March 1848, described Papineau's speech as "of much power, but full of the most seditious language". According to MONTREAL GAZETTE, 17 March 1848, "Mr. Papineau's sentiments seemed to meet with exceedingly little sympathy in the House. They were listened to with ... silence".
142. MONTREAL GAZETTE, 17 March 1848.
143. GLOBE, 22 March 1848.
144. LA MINERVE, 16 March 1848.
145. HAMILTON SPECTATOR, 22 March 1848.
146. LA MINERVE, 16 March 1848.
147. GLOBE, 22 March 1848.
148. HAMILTON SPECTATOR, 22 March 1848.
149. MONTREAL GAZETTE, 17 March 1848.
150. LA MINERVE, 16 March 1848.
151. HAMILTON SPECTATOR, 22 March 1848.
152. MONTREAL GAZETTE, 17 March 1848.
153. LA MINERVE, 16 March 1848.
154. HAMILTON SPECTATOR, 22 March 1848.
155. LA MINERVE, 16 March 1848.
156. GLOBE, 22 March 1848.
157. HAMILTON SPECTATOR, 22 March 1848.
158. LA MINERVE, 16 March 1848.
159. MONTREAL GAZETTE, 17 March 1848.
160. LA MINERVE, 16 March 1848.
161. HAMILTON SPECTATOR, 22 March 1848.
162. MONTREAL GAZETTE, 17 March 1848.
163. HAMILTON SPECTATOR, 22 March 1848.
164. MONTREAL GAZETTE, 17 March 1848.
165. HAMILTON SPECTATOR, 22 March 1848.
166. MONTREAL GAZETTE, 17 March 1848.
167. LE CANADIEN, 17 March 1848.
168. HAMILTON SPECTATOR, 22 March 1848.
169. LA MINERVE, 16 March 1848.
170. HAMILTON SPECTATOR, 22 March 1848.
171. LA MINERVE, 16 March 1848.
172. HAMILTON SPECTATOR, 22 March 1848.
173. LA MINERVE, 16 March 1848.
174. HAMILTON SPECTATOR, 22 March 1848.
175. MONTREAL GAZETTE, 17 March 1848.
176. HAMILTON SPECTATOR, 22 March 1848.
177. MONTREAL GAZETTE, 17 March 1848.
178. HAMILTON SPECTATOR, 22 March 1848.

179. LA MINERVE, 16 March 1848.
180. HAMILTON SPECTATOR, 22 March 1848.
181. LA MINERVE, 16 March 1848.
182. HAMILTON SPECTATOR, 22 March 1848.
183. LA MINERVE, 16 March 1848.
184. HAMILTON SPECTATOR, 22 March 1848.
185. LA MINERVE, 16 March 1848.
186. MONTREAL GAZETTE, 17 March 1848.
187. LA MINERVE, 16 March 1848.
188. MONTREAL GAZETTE, 17 March 1848.
189. LA MINERVE, 16 March 1848.
190. HAMILTON SPECTATOR, 22 March 1848.
191. MONTREAL GAZETTE, 17 March 1848.
192. HAMILTON SPECTATOR, 22 March 1848.
193. MONTREAL GAZETTE, 17 March 1848.
194. LA MINERVE, 16 March 1848.
195. MONTREAL GAZETTE, 17 March 1848.
196. HAMILTON SPECTATOR, 22 March 1848.
197. LA MINERVE, 16 March 1848.
198. MONTREAL GAZETTE, 17 March 1848.
199. LA MINERVE, 16 March 1848.
200. MONTREAL GAZETTE, 17 March 1848.
201. HAMILTON SPECTATOR, 22 March 1848.
202. MONTREAL GAZETTE, 17 March 1848.
203. LA MINERVE, 16 March 1848.
204. HAMILTON SPECTATOR, 22 March 1848.
205. LA MINERVE, 16 March 1848.
206. HAMILTON SPECTATOR, 22 March 1848.
207. LA MINERVE, 16 March 1848.
208. HAMILTON SPECTATOR, 22 March 1848.
209. GLOBE, 22 March 1848.
210. LA MINERVE, 16 March 1848.
211. HAMILTON SPECTATOR, 22 March 1848.
212. LA MINERVE, 16 March 1848.
213. HAMILTON SPECTATOR, 22 March 1848.
214. LA MINERVE, 16 March 1848.
215. HAMILTON SPECTATOR, 22 March 1848.
216. LA MINERVE, 16 March 1848.
217. HAMILTON SPECTATOR, 22 March 1848.
218. LA MINERVE, 16 March 1848.
219. HAMILTON SPECTATOR, 22 March 1848.
220. MONTREAL GAZETTE, 17 March 1848.
221. MONTREAL TRANSCRIPT, 18 March 1848, observed that "Col. Gagy rose amidst considerable excitement". GLOBE, 22 March 1848, commented that Gagy "made a most brutal attack on Mr. Papineau. ... Unsoftened by wit or cleverness, it was simply a case of common downright blackguarding."
222. MONTREAL GAZETTE, 17 March 1848.
223. IBID.
224. IBID.
225. HAMILTON SPECTATOR, 22 March 1848.

226. MONTREAL GAZETTE, 17 March 1848.
227. PILOT, 16 March 1848.
228. HAMILTON SPECTATOR, 22 March 1848.
229. PILOT, 16 March 1848.
230. MONTREAL GAZETTE, 17 March 1848.
231. PILOT, 16 March 1848.
232. HAMILTON SPECTATOR, 22 March 1848.
233. MONTREAL GAZETTE, 17 March 1848.
234. HAMILTON SPECTATOR, 22 March 1848.
235. MONTREAL GAZETTE, 17 March 1848.
236. PILOT, 16 March 1848.
237. HAMILTON SPECTATOR, 22 March 1848.
238. PILOT, 16 March 1848.
239. MONTREAL GAZETTE, 17 March 1848.
240. PILOT, 16 March 1848.
241. HAMILTON SPECTATOR, 22 March 1848.
242. MONTREAL GAZETTE, 17 March 1848.
243. PILOT, 16 March 1848.
244. MONTREAL GAZETTE, 17 March 1848.
245. HAMILTON SPECTATOR, 22 March 1848.
246. PILOT, 16 March 1848.
247. MONTREAL GAZETTE, 17 March 1848.
248. HAMILTON SPECTATOR, 22 March 1848.
249. MONTREAL GAZETTE, 17 March 1848.
250. PILOT, 16 March 1848.
251. HAMILTON SPECTATOR, 22 March 1848.
252. PILOT, 16 March 1848.
253. HAMILTON SPECTATOR, 22 March 1848.
254. MONTREAL GAZETTE, 17 March 1848.
255. HAMILTON SPECTATOR, 22 March 1848.
256. PILOT, 16 March 1848.
257. HAMILTON SPECTATOR, 22 March 1848.
258. PILOT, 16 March 1848.
259. HAMILTON SPECTATOR, 22 March 1848.
260. MONTREAL GAZETTE, 17 March 1848.
261. HAMILTON SPECTATOR, 22 March 1848.
262. PILOT, 16 March 1848.
263. HAMILTON SPECTATOR, 22 March 1848.
264. MONTREAL GAZETTE, 17 March 1848.
265. PILOT, 16 March 1848.
266. HAMILTON SPECTATOR, 22 March 1848.
267. PILOT, 16 March 1848.
268. IBID.
269. MONTREAL GAZETTE, 17 March 1848.
270. PILOT, 16 March 1848.
271. MONTREAL GAZETTE, 17 March 1848.
272. HAMILTON SPECTATOR, 22 March 1848.
273. MONTREAL GAZETTE, 17 March 1848.
274. PILOT, 16 March 1848.
275. MONTREAL GAZETTE, 17 March 1848.

- 276. PILOT, 16 March 1848.
- 277. IBID.
- 278. MONTREAL GAZETTE, 17 March 1848.
- 279. PILOT, 16 March 1848.
- 280. MONTREAL GAZETTE, 17 March 1848.
- 281. PILOT, 16 March 1848.
- 282. HAMILTON SPECTATOR, 22 March 1848.
- 283. PILOT, 16 March 1848.
- 284. HAMILTON SPECTATOR, 22 March 1848.
- 285. PILOT, 16 March 1848.
- 286. MONTREAL GAZETTE, 17 March 1848.
- 287. PILOT, 16 March 1848.
- 288. HAMILTON SPECTATOR, 22 March 1848.
- 289. PILOT, 16 March 1848.
- 290. HAMILTON SPECTATOR, 22 March 1848.
- 291. MONTREAL GAZETTE, 17 March 1848.
- 292. PILOT, 16 March 1848.
- 293. MONTREAL GAZETTE, 17 March 1848.
- 294. PILOT, 16 March 1848.
- 295. HAMILTON SPECTATOR, 22 March 1848.
- 296. PILOT, 16 March 1848.
- 297. HAMILTON SPECTATOR, 22 March 1848.
- 298. PILOT, 16 March 1848.
- 299. MONTREAL GAZETTE, 17 March 1848.
- 300. HAMILTON SPECTATOR, 22 March 1848.
- 301. PILOT, 16 March 1848.
- 302. HAMILTON SPECTATOR, 22 March 1848.
- 303. PILOT, 16 March 1848.
- 304. MONTREAL GAZETTE, 17 March 1848.
- 305. PILOT, 16 March 1848.
- 306. HAMILTON SPECTATOR, 22 March 1848.
- 307. LA MINERVE, 16 March 1848.
- 308. MONTREAL GAZETTE, 17 March 1848.
- 309. LA MINERVE, 16 March 1848.
- 310. HAMILTON SPECTATOR, 22 March 1848.
- 311. LA MINERVE, 16 March 1848.
- 312. HAMILTON SPECTATOR, 22 March 1848.
- 313. LA MINERVE, 16 March 1848.
- 314. HAMILTON SPECTATOR, 22 March 1848.
- 315. MONTREAL GAZETTE, 17 March 1848.
- 316. HAMILTON SPECTATOR, 22 March 1848.
- 317. MONTREAL TRANSCRIPT, 18 March 1848.
- 318. PILOT, 16 March 1848.
- 319. HAMILTON SPECTATOR, 22 March 1848.
- 320. PILOT, 16 March 1848.
- 321. HAMILTON SPECTATOR, 22 March 1848.
- 322. PILOT, 16 March 1848.
- 323. MONTREAL GAZETTE, 17 March 1848.
- 324. HAMILTON SPECTATOR, 22 March 1848.
- 325. PILOT, 16 March 1848.

- 326. HAMILTON SPECTATOR, 22 March 1848.
- 327. MONTREAL GAZETTE, 17 March 1848.
- 328. PILOT, 16 March 1848.
- 329. HAMILTON SPECTATOR, 22 March 1848.
- 330. PILOT, 16 March 1848.
- 331. HAMILTON SPECTATOR, 22 March 1848.
- 332. MONTREAL GAZETTE, 17 March 1848.
- 333. HAMILTON SPECTATOR, 22 March 1848.
- 334. PILOT, 16 March 1848.
- 335. MONTREAL GAZETTE, 17 March 1848.
- 336. PILOT, 16 March 1848.
- 337. HAMILTON SPECTATOR, 22 March 1848.
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- 339. HAMILTON SPECTATOR, 22 March 1848.
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- 341. MONTREAL GAZETTE, 17 March 1848.
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- 343. HAMILTON SPECTATOR, 22 March 1848.
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- 345. MONTREAL GAZETTE, 17 March 1848.
- 346. PILOT, 16 March 1848.
- 347. HAMILTON SPECTATOR, 22 March 1848.
- 348. PILOT, 16 March 1848.
- 349. IBID.
- 350. HAMILTON SPECTATOR, 22 March 1848.
- 351. PILOT, 16 March 1848.
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- 354. HAMILTON SPECTATOR, 22 March 1848.
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- 356. HAMILTON SPECTATOR, 22 March 1848.
- 357. PILOT, 16 March 1848.
- 358. IBID.
- 359. MONTREAL GAZETTE, 17 March 1848.
- 360. PILOT, 16 March 1848.
- 361. HAMILTON SPECTATOR, 22 March 1848.
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- 363. MONTREAL GAZETTE, 17 March 1848.
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- 373. HAMILTON SPECTATOR, 22 March 1848.
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- 375. MONTREAL GAZETTE, 17 March 1848.

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- 379. MONTREAL GAZETTE, 17 March 1848.
- 380. HAMILTON SPECTATOR, 22 March 1848.
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- 392. LE CANADIEN, 17 March 1848.
- 393. PILOT, 18 March 1848.
- 394. MONTREAL GAZETTE, 17 March 1848.
- 395. PILOT, 18 March 1848.
- 396. HAMILTON SPECTATOR, 22 March 1848.
- 397. PILOT, 18 March 1848.
- 398. MONTREAL GAZETTE, 17 March 1848.
- 399. PILOT, 18 March 1848.
- 400. IBID.
- 401. IBID.
- 402. HAMILTON SPECTATOR, 22 March 1848.
- 403. PILOT, 18 March 1848.
- 404. HAMILTON SPECTATOR, 22 March 1848.
- 405. PILOT, 18 March 1848.
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- 408. HAMILTON SPECTATOR, 22 March 1848.
- 409. PILOT, 18 March 1848.
- 410. IBID.
- 411. IBID.
- 412. MONTREAL GAZETTE, 17 March 1848.
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- 431. PILOT, 18 March 1848.
- 432. IBID.
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- 434. HAMILTON SPECTATOR, 22 March 1848.
- 435. PILOT, 18 March 1848.
- 436. IBID.
- 437. IBID.
- 438. MONTREAL GAZETTE, 17 March 1848.
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- 450. MONTREAL GAZETTE, 17 March 1848.
- 451. HAMILTON SPECTATOR, 22 March 1848.
- 452. PILOT, 18 March 1848.
- 453. IBID.
- 454. HAMILTON SPECTATOR, 22 March 1848.
- 455. PILOT, 18 March 1848.
- 456. MONTREAL GAZETTE, 17 March 1848.
- 457. IBID.
- 458. HAMILTON SPECTATOR, 22 March 1848.
- 459. IBID.
- 460. MONTREAL GAZETTE, 17 March 1848.
- 461. HAMILTON SPECTATOR, 22 March 1848.
- 462. PILOT, 18 March 1848.
- 463. HAMILTON SPECTATOR, 22 March 1848.
- 464. PILOT, 18 March 1848.
- 465. MONTREAL GAZETTE, 17 March 1848.
- 466. MONTREAL TRANSCRIPT, 18 March 1848, observed that the adjournment took place "amidst considerable excitement". The time of adjournment according to the PILOT, 18 March 1848, was "about one o'clock."
- 467. MONTREAL TRANSCRIPT, 18 March 1848.
- 468. IBID.

WEDNESDAY, 15 MARCH 1848.¹

(38)

ON motion of Mr. Notman, seconded by Mr. Wetenhall,
Oxford Election. Ordered, That the Order of this House, of yesterday,
appointing the time for taking into consideration
the Petition of Peter Carroll, Esquire, a candidate of the late Election

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for the County of Oxford, complaining of the undue Election of the Honorable
Francis Hincks as a Member to represent the said County in this present Parlia-
ment, be rescinded; and that a notice, in writing, embracing the substance of
this Motion, be forthwith given by Mr. Speaker to the Petitioner, and to the
said Honorable Francis Hincks.

On motion of Mr. Notman, seconded by Mr. Wetenhall,
Ordered, That the Petition of Peter Carroll, Esquire, a candidate at the late
Election for the County of Oxford, complaining of the undue Election of
the Honorable Francis Hincks as a Member to represent the said County
in this present Parliament, be taken into consideration by this House,
on Thursday the sixteenth day of March instant, at the hour of four o'clock,
P.M.; and that notice to that effect, in writing, be forthwith given by
Mr. Speaker to the Petitioner, his counsel, or agent, and to the Honorable
Francis Hincks, according to the provisions of the second clause of an
Act passed by the Parliament of Upper Canada, during the fourth year of
the reign of His late Majesty George the Fourth, chapter four.

Debentures. Mr. Speaker laid before the House, Schedule of
Government Debentures of Canada, in sterling and
currency, outstanding on 4th March, 1848.

Appendix (M.) For the said Schedule, see Appendix (M.)

Petitions The following Petitions were severally brought up,
brought up. and laid on the table:--

By the Honorable Mr. Robinson,--The Petition of the Municipal Council of
the District of Simcoe (grant for Roads.)

By Mr. Armstrong,--The Petition of Charles Emond, President, and others,
Trustees of the Academy of Berthier.

By Mr. Hall,--The Petition of William M'Donnell and others, of the Town-
ships of Ops, Mariposa, Eldon, and Fenelon.

By Mr. Beaubien,--The Petition of the Corporation of the College of Cham-
bly.

By Mr. Stevenson,--The Petition of Charles R. Ellis, of the Township of
Toronto; and the Petition of James Douglass, of the Township of Toronto, in
the Home District.

By Mr. Johnson,--The Petition of William Bradley and others, of the Town-
ship of Caledonia, in the District of Ottawa.

By Mr. Holmes,--The Petition of Robert W. S. Mackay, of the City of Montreal;
the Petition of F. T. C. Arnoldi, M.D., and others, Medical Practitioners of the
City of Montreal; the Petition of Mrs. Adèle B. LaFontaine, and other Ladies
having the care of the Montreal Lying-in Hospital; and the Petition of the Cor-

poration of the Montreal General Hospital.

By Mr. Smith of Durham,--The Petition of Richard E. Vidal and others, of the Townships of Sarnia and Plympton, in the Western District.

By Mr. Laurin,--The Petition of Joseph Huot and others, of the Township of Halifax.

By Mr. Merritt,--The Petition of the President and Board of Police of the Town of St. Catharines.

By Mr. Wetenhall,--The Petition of John Macfarlane and others, of the County of Waterloo.

By the Honorable Mr. Sherwood,--The Petition of John Ewart and others, of the City of Toronto.

By the Honorable Mr. Macdonald,--The Petition of John Hopkins and others, Teachers of Common Schools in the City of Kingston.

By Mr. Bell,--The Petition of William Simpson and others, of Smith's Falls, in the Township of Elmsley.

By Mr. Jobin,--The Petition of M. F. Valois and A. C. D. De Celles, President and Secretary of the Municipal Council of the County of Montreal.

By Mr. Sauvageau,--The Petition of the Reverend A. Morin and others.

By Mr. Drummond,--The Petition of Mrs. Margaret Lunn and Mrs. A. Durnford, the Directress and the Secretary of the Committee of management of the University Lying-in Hospital, Montreal, on behalf of the said Committee.

By Mr. Prince,--The Petition of John F. Elliott and James Cuthbertson; and the Petition of James Cuthbertson and others, of the City of Montreal.

By Mr. M'Farland,--The Petition of John J. Church, of the Township of Thorold, in the District of Niagara.

By Mr. M'Connell,--The Petition of John Thornton and others, School Commissioners of the Municipality of Barnston.

By the Honorable Mr. Boulton,--The Petition of the Municipal Council of the District of Talbot, (Assessment Rolls.)

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of G. K. Foster and others, Trustees of the Richmond Academy, in the Township of Shipton, County of Sherbrooke; praying a grant of money in aid of that Academy.

Of Thomas C. Allis and others, of the Township of Shipton; praying aid to open a Road from the principal settlement of Dudswell, to Lot No. 9 in the 2nd range of the Township of Shipton.

Of G. K. Foster and others, of Durham and other Townships, in the Counties of Drummond and Sherbrooke; praying that certain Townships therein mentioned may be formed into a new County, to be called the County of Richmond, with the Village of Richmond as the County Town.

Of Thomas C. Allis and others, of Shipton and other Townships; praying a grant of money to continue the Arthabaska Road, from Lot 27 in the first range of Kingsey, to the Village of Danville.

Of the Corporation of the Seminary of Nicolet; praying an increased aid in support of that Institution.

Of the Reverend L. Dufour and others, inhabitants of the Townships of Stanford, Somerset, Blandford and Arthabaska; praying aid to improve the main Blandford Road.

Of W. Demers and others, inhabitants of St. Jean Les Chaillons, St. Pierre les Becquets, and St. Edouard de Gentilly; praying aid to construct a Road from a certain point in the Parish of St. Edouard de Gentilly to the limits of the Parish of St. Jean Les Chaillons, to erect a Bridge over the Rivière aux Orignaux, and to improve certain hills on that route.

Of John M'Intosh, of the Township of London; praying remuneration for certain articles furnished by him to the Militia under Colonel Kerby, during the late Rebellion.

Of John Geary of London, in the District of London; praying payment of a certain amount due him for labour performed upon the London and Brantford Road.

Of Mrs. M. A. F. Viger, President, and other Ladies, Directresses of the Catholic Orphan Asylum of Montreal; praying for aid in support of that Institution.

Of John M'Cuaig of St. Polycarpe; representing the undefined state of the boundary between the Township of Lancaster, in Upper Canada, and the Seigniorship of New Longueuil, in Lower Canada, and the disturbances endured by those in possession of land in that Seigniorship in consequence thereof, and praying relief.

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Of Louis Leclerc and others, of Ste. Anne des Monts and Cape Chat, in the District of Gaspé; praying that their settlements may be made into a separate Municipality, having its seat at Ste. Anne des Monts.

Of Joseph Vallée and others, of Ste. Anne des Monts and Cape Chat, in the District of Gaspé; praying for the construction of a Road from the furthest inhabited parts of Matane to Cape Chat.

Of the Reverend J. Doucet and others, of the Parish of St. Jean Baptiste de L'Isle Verte, in the County of Rimouski, and of the Chiefs and other Indians residing in the Township in the rear of the Seigniorship of L'Isle Verte, and belonging to the said Indians; praying aid for a Road leading to the Lake Temiscouata.

Of R. J. Millar and others, of Durham and other Townships; praying aid to continue the Quebec Road from the terminus of the Arthabaska Road in Kingsey, until it forms a junction with the Road leading from Sherbrooke to Montreal.

Of G. L. Marler and others, of the District of Three Rivers; praying that the offices of Notary and Registrar may be declared incompatible with each other, and that the same individual be prohibited from filling both those offices at the same time.

Of the Reverend A. Lefrançois and others, of the Parish of St. Augustin, in the District of Quebec; praying for a grant of money to macadamize the Road from Hough's Farm, in the Parish of L'Ancienne Lorette, to the division Line between the Seigniorships of Neuville and Demaure, passing by the St. Augustin Church.

Of Samuel Anderson and others, of the Township of Rawdon, and of the Parishes of St. Jacques and St. Charles Borromée; praying that the Common School Act may be so amended as to relieve them from certain disabilities under which they now labour.

Of Marcel Lymburnner and others, of the Parish of St. Stanislas de Batiscan, in the County of Champlain; praying for the amendment of the

Education Law.

Of T. Toutant and others, of Champlain and other Parishes, in the County of Champlain; praying for the repeal of the Municipal Act, and the amendment of the Education Law.

Of F. A. M'Donald and others, of the District of Montreal; praying that certain ranges in the Township of Upton may be annexed to the County of Shelford.

Of the Municipal Council of the District of Newcastle; praying for certain amendments to the Common School Act.

Of the Municipal Council of the District of Niagara; praying that the Queenston and Grimsby macadamized Road when made, may be continued on the old line through the Village of Jordan, in the Township of Louth.

Of the Municipal Council of the District of Niagara; praying for the passing of an Act to authorize them to provide for the maintenance of insane destitute persons in that District.

Of the Municipal Council of the District of Niagara; representing the injurious effect which the duty imposed upon spirituous liquors distilled within the Province has upon the agricultural interests thereof, and praying a consideration of the premises.

Of the Municipal Council of the District of Niagara; praying certain amendments to the Law respecting Surveyors and the measurement of Lands.

Of the Municipal Council of the District of Niagara; representing the desire for the confirmation of certain usages, and for certain alterations in the boundaries of the Townships of Dunn, Canborough, Moulton, and Sherbrooke; and praying the action of the House thereon.

Of the Municipal Council of the District of Niagara; praying that parties in the Township of Rainham whose lots of land have been diminished by defining the Boundary Line of the said Township, may be indemnified therefor.

Of the Municipal Council of the District of Niagara; praying that the Township of Cayuga may be divided into two Townships, to be called North and South Cayuga respectively.

Of the Municipal Council of the District of Niagara; representing that no Registry Office and Vaults have been built in the County of Haldimand, according to the Act 9 Vic. c. 34, sec. 19, in consequence of portions of the said County being situated in three different Districts, and praying that special provision be made in the premises.

Of the Municipal Council of the District of Niagara; praying that suitable measures may be taken for the reconstruction of the Monument on Queenston Heights to the memory of the late Major-General Sir Isaac Brock.

Of George Taylor and others, of Stanstead; praying a grant for the building and support of an Institution for deaf and dumb persons.

Of the Municipal Council of the District of Niagara; representing the present unhealthy state of the vicinity of the River Welland, and praying that the Cut at the outlet thereof may be widened and deepened, and that other improvements be made to render that vicinity more healthy.

Of the Municipal Council of the District of Niagara; praying that the Municipal Councils may be authorized to hold lands for burying grounds, and to levy assessments and make by-laws for the purchase and management of the same.

Of the Municipal Council of the District of Niagara; praying the adoption of certain measures to select and establish a more central site for the

District Town of that District.

Of Louis Denys and others, of St. François de la Beauce, and other places; praying aid to improve the Lambton Road, and to construct a Bridge over the River Chaudière, in the County of Dorchester.

Of G. P. Ridout, Esquire, on behalf of the Toronto Athenæum; praying a complete set of the Journals of the House since the Union of the Provinces, as also of Upper and Lower Canada previous to the Union, and any other works the House may deem meet for the use of the Library of that Institution.

Of Antoine Légaré and others, of the Parish of Ste. Foye, in the County of Quebec; praying the repeal of the existing Municipal Law, and for the re-establishment of Parish Municipalities.

Of Edouard Normand, of Cap de la Magdeleine; praying an enquiry into the proceedings of the Board of Works respecting his claims for damages sustained and lands taken by them, and for the payment of his said claims.

Of J. Birch and others, of Quebec; praying an investigation of their losses by the falling of the Government Wall and the Rock beneath it, into Champlain Street, in the year 1841, in order that they may be compensated therefor.

Of J. B. Martin, of the Parish of St. Paschal, in the County of Kamouraska, Esquire; praying the payment of certain claims held by him against the late Municipal Council of the said District.

Of Vincent Dubé and others, of Ste. Anne de la Pocatière, and of the Township of Ixworth, in the County of Kamouraska; praying a grant of money to continue the Government Road commencing at the third concession of Ste. Anne.

Of the Reverend Robert R. Burrage, of Quebec; representing the losses sustained by him, and the services he rendered in behalf of Education in that City, and praying for a provision for the remainder of his life.

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Of the Trustees of the Sherbrooke Academy; praying the usual aid in support of that Academy.

Petition of
Niagara Muni-
cipal Council.

Resolved, That the Petition of the Municipal Council of the District of Niagara (division of Cayuga,) be referred to a Select Committee, composed of Mr. Thompson, Mr. Merritt, Mr. M'Farland, Mr. Webster,

and Mr. Notman, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of C. Berczy,
and others;

Resolved, That the Petition of Charles Berczy and others, of the City of Toronto, be referred to a Select Committee, composed of Mr. Morrison,

the Honorable Mr. Sherwood, the Honorable Mr. Boulton, Mr. Smith of Durham, and Mr. Wetenhall, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Niagara Muni-
cipal Council.

Resolved, That the Petition of the Municipal Council of the District of Niagara, (Dockstader Tract) be referred to a Select Committee, composed of Mr.

Thompson, the Honorable Mr. Boulton, Mr. M'Farland, Mr. Merritt, and Mr.

Webster, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Niagara Municipal Council referred.

Resolved, That the Petition of the Municipal Council of the District of Niagara, (Register Office in Haldimand,) be referred to a Select Committee, composed of Mr. Thompson, Mr. Notman, Mr. Merritt, Mr. Smith of Wentworth, and Mr. M'Farland, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Brock's Monument.

Mr. Thompson moved, seconded by Mr. M'Farland,² and the Question being put, That the Petition of the Municipal Council of Niagara, (Brock's Monument) be referred to a Select Committee, composed of Sir Allan N. MacNab, the Honorable Mr. Sherwood, Mr. Merritt, Mr. M'Farland, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.³

SIR A. MACNAB could not imagine what the petitioners wanted or what⁴ power the house had in this matter, which was entirely of a private nature.⁵ It was certainly a private subscription⁶ under the management of a committee appointed by the subscribers.⁷ If the petitioners wanted information as to what was doing in the matter, he, as Chairman of the Committee for the reconstruction of Brock's monument, could give it them; or, if they wished to know the state of the funds, Mr. Ridout⁸, Cashier to the Upper Canada Bank, at Toronto, who was Treasurer of the funds⁹, would be happy to inform them officially. A charge had been brought against the committee of being tardy in commencing the work.¹⁰ The delay ... had been only caused by a desire to accumulate funds to carry out the object.¹¹ A private subscription was commenced for the rebuilding of the Monument a number of years ago¹². The original amount subscribed was little more than £2,7000: the lowest estimate received for the erection of a suitable monument was £5,000. The committee had applied to the Administration of Sir Charles Bagot, and that of Metcalfe for aid but could get none either from them or Parliament.¹³ The Committee ... did not think it expedient to commence their work until they had obtained a larger sum¹⁴. What did the committee do then? Why¹⁵ Messrs. Street and Robinson were appointed to invest the money in Government Debentures and Bank Stock, where it still remained. Last winter the Cashier of the Bank of Upper Canada sent a statement to him, by which the capital now appeared, in consequence of the interest accrued, to about £5,000.¹⁶ All the arrangements for proceeding with the work were now complete, and early in the spring¹⁷ it was intended to give out the contract for erecting the monument.¹⁸ But what could the petitioners want even of this explanation! last year a statement of the accounts were (sic) published¹⁹ by him,²⁰ and went the round of the newspapers. He considered the petition offensive, and the petitioners officious, before interfering in the matter, they should have remembered the adage, "A man always grows rich if he minds his own business."²¹

MR. MERRITT said the petition had been presented year after year, praying the house to inquire into this matter; and meeting after meeting had been held respecting it. The people wanted to know why the monument had

not been finished. He believed that the committee had acted judiciously and that inquiry could do no harm. He thought, therefore, that the committee should be appointed to report what had been done; so that when the money became large enough, the monument might be rebuilt. That could do no harm, and it would give satisfaction.²²

COL. PRINCE said the only objection which he had to the motion, was that he looked upon the monument as a private affair. Public bodies who had the right to appear in Courts of law, should not come to that High Court of Parliament, to get matters settled, which ought to be investigated elsewhere. The District Councils had no right to interfere; and he would vote against the motion. If there was anything wrong in the conduct of the committee, the parties could bring the matter before the courts.²³

MR. THOMPSON said that the Municipal Council had a perfect right to petition the house against all grievances. The original monument was built by a public grant; and a subscription had been raised throughout the Province to rebuild it. The money was paid in good faith long ago, and a Committee appointed to carry out their intention. The public had a right to know what had been done. He thought the matter had been neglected, and he hoped that an investigation would take place, because he was certain it would redound to the credit of the Committee.²⁴

MR. ROBINSON was afraid that the interference of the House would retard the progress of the work. The hon. member for Hamilton's statements were correct, and although the Committee was appointed by the House, and called all Montreal before it, it could not give any farther (sic) information. The plans adopted by the Committee was (sic) disliked by some persons near Queenston, who wished to have the plan altered, and to have a stair running up inside of the column.²⁵

MR. J.S. MACDONALD (Glengarry) considered it to be a public affair, and was in favor of the motion.²⁶

MR. BOULTON thought that if the House enquired about Brock's Monument, it might as well make enquiries about the Tecumseth and Metcalfe Monuments.²⁷

MR. H. SHERWOOD considered the matter as a public one, as the money had been subscribed by the militia of Upper Canada in consequence of a general order. No person gave anything unless as a militia officer.²⁸

MR. BOULTON.--I did.²⁹

MR. H. SHERWOOD.--The hon. member was mistaken--(laughter)--he was not in the country at the time.³⁰

MR. BOULTON.--I was.³¹

MR. H. SHERWOOD.--He thought he was mistaken--was he here in 1838?³²

MR. BOULTON.--I was.³³

MR. H. SHERWOOD.--Well, he was under the impression that he was not. The Committee should be appointed to make inquiries as to the money collected, and the additional sum required, and would, he imagined, ask the house to grant that sum.³⁴ ((He)) could not explain how it was that the subscription money for monuments always disappeared--and for other things as well. They

all knew that the silver medals for the Militia, of 1819, had disappeared very mysteriously--very.³⁵

MR. BOULTON stated that he was in the country in 1838, and although he was not in the Militia he subscribed \$10 which he paid into the hands of the hon. member for Huron.³⁶

SIR A. MACNAB said no order was ever issued calling upon the Militia to subscribe to the monument, but a resolution was passed asking Militia Officers to subscribe and requiring them to lay the matter before their men. A day's pay amounting with other subscriptions to upwards of £2,700 was subscribed, and a Committee was appointed to carry the object into effect.³⁷

MR. CAYLEY said that the petition complained of delay and expressed a desire that the plan for the Monument should be altered. The hon. member for Hamilton had stated the work would be begun in Spring, and the Committee alone had power to decide about the plan.³⁸

MR. MERRITT regretted that the member for Hamilton had opposed the investigation.³⁹

SIR A. MACNAB.--What investigation do you want?⁴⁰

MR. MERRITT.--He wanted information.⁴¹

SIR A. MACNAB.--You have it.⁴²

MR. MERRITT. The petition requested that an open column be erected instead of an obelisk. It had been asked what business had the Niagara District Council with the Monument. They had a greater interest in it than any other District; they had subscribed more in their County than in any other; it was there that the Monument was to be erected. Obelisks were now obsolete. None had been erected during the last two centuries, and none were ever erected on high places but always on plains. The people wanted an open Monument from which they could survey the Country round.⁴³

MR. CAMERON--said the hon. member stated that no obelisk had been erected during the last two centuries.⁴⁴

MR. MERRITT. Except one in Glasgow, one in Dublin, and one in France.⁴⁵

MR. CAMERON.--He would like to know if it was not an obelisk that was erected on Bunker's Hill. Was that a plain? Was not the Monument erected in the Cove of Cork to Father Mathew an obelisk, or an obstacle as the people there called it? and was it not erected upon a commanding spot? he could not see what business the house had to do with the matter more than with the Committee for the relief of the destitute and suffering Irish and Scotch.⁴⁶

Several other members ((spoke a few words)).⁴⁷

(41)

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Burritt, Macdonald of GLENGARRY, M'Farland, Merritt, Nelson, Sauvageau, Smith of WENTWORTH, Thompson, and Watts.--(9.)

NAYS.

Messieurs Badgley, Beaubien, Bell, Boulton of NORFOLK, Cameron of CORNWALL, Cayley, Chabot, Chauveau, Christie, Crysler, Cuthbert, Daly, Davignon, Drummond, Duchesnay, DeWitt, Flint, Fortier, Fournier, Fourquin, Gagy, Guillet, Hall, Holmes, Jobin, Johnson, Laterrière, Laurin, Lemieux, Lyon, MacDonald of KINGSTON, Sir Allan N. MacNab, Malloch, Marquis, M'Connell, M'Lean, Mongenais, Morrison, Notman, Papineau, Prince, Robinson, Scott of TWO MOUNTAINS, Seymour, Sherwood of BROCKVILLE, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Taché, Webster, and Wetenhall.--(51.)

So it passed in the Negative.

MR. H. BOULTON⁴⁸ rose⁴⁹ from his seat⁵⁰ and said he was charged with a message from his Excellency the Governor General.⁵¹

MR. MORIN. The hon. gentleman will bring it up.⁵²

MR. H. BOULTON was proceeding to deliver the ... ((message)) to the Speaker, when there were loud cries of "from the bar."⁵³

SIR A. MACNAB. The Hon. gentleman should have brought it in from the bar of the House!⁵⁴

MR. H. BOULTON. That is the English practice, but it has not been so here.⁵⁵

MR. MORIN took the Message from the hands of the hon. member, remarking, that, although, stricly (sic) speaking, all Messages ought to be delivered at the bar, the House was in the habit of receiving them from members standing in their place. He was about to read the Message, when Sir Allan MacNab rose.⁵⁶

SIR A. MACNAB rose and said he thought the Message should be delivered at the bar: that was the invariable custom in England. Sir Robert Peel,⁵⁷ for example, when he had a Message to deliver, went to the bar, and stood there resting his elbow on it until he caught the Speaker's eye, when he delivered the Message.⁵⁸

MR. DALY said it had been the invariable practice, during the last two or three Sessions, to deliver all Messages at the Bar of the house.⁵⁹

MR. MORIN said that such was the proper course, but he did not think it had been strictly followed by the house, and that he supposed that the house would allow the hon. member to deliver it from his place. He was about to read the Message⁶⁰.

He was stopped by loud cries of "from the bar"⁶¹ amid great merriment⁶².

MR. MORIN then handed the Message back to Mr. Boulton⁶³.

MR. H. BOULTON, amidst great laughter, went to the bar, and stood there, resting his arm on it, in imitation of what SIR A. MACNAB had described to be the manner of Sir Robert Peel⁶⁴.

MR. MORIN having observed the signal, lifted his cocked hat.⁶⁵

MR. H. BOULTON, making a very formal obeisance to the house ... stated⁶⁶:

Mr. Speaker, I am charged with a message from his Excellency the Governor-General, signed by himself.⁶⁷

MR. MORIN.--Bring up the message.⁶⁸

MR. H. BOULTON proceeded, amidst loud laughter and applause, to place the ... ((message)) in the Speaker's hands.⁶⁹

(41)

Message from
His Excellency.

The Honorable Mr. Boulton delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

MR. H. BOULTON retired to his seat.⁷⁰

(41)

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

ELGIN AND KINCARDINE.

Despatches.

The Governor General transmits, for the information of the Legislative Assembly, copies of the several Despatches from Her Majesty's Secretary of State enumerated in the annexed Schedule.

*Government House,
Montreal, 15th March, 1848.*

Schedule of Despatches accompanying the Governor General's Message to the Legislative Assembly of 15th March, 1848.

| No. | Date. | Subject. |
|-----------|----------------------|---|
| 110 | 31st July, 1847 | Respecting the Navigation Laws. |
| 114 | 14th August, 1847 | In reply to the Joint Address praying that the Assent may be given to the Reserved Civil List Bill. |
| Circular. | 25th September, 1847 | Respecting an Act passed by the Imperial Parliament for the Naturalization of Aliens. |
| 124 | 25th September, 1847 | On the subject of the above. |
| 128 | 13th October, 1847 | In reply to the Address of the Assembly praying for the removal of all Duties on Canadian Produce. |
| 133 | 23rd October, 1847 | Respecting the Survey of the <u>Halifax</u> and <u>Quebec</u> Railroad. |
| 136 | 18th November, 1847 | Respecting the Railway Bills of last Session. |

(Copy.)
No. 110.

Downing Street,
31st July, 1847.

Navigation
Laws.

My Lord,

I have to acknowledge the receipt of your Lordship's Despatch, No. 16, of the 24th of March, transmitting for my consideration the copy of a Memorial presented to you by the Montreal Board of Trade, in which the Memorialists invite your Lordship's attention not only to several measures relating to the fiscal and commercial regulations of Canada, which it is the peculiar province of the Canadian Legislature to deal with, but also to the advantages which, as the Memorialists contend, would result from a modification of the Navigation Laws of the United Kingdom, and from the removal of the restrictions at present applicable to the Navigation of the St. Lawrence by foreign vessels.

The topics which the Montreal Board of Trade have urged upon your notice, in such forcible and appropriate terms, are entitled to, and will receive, the most attentive consideration of Her Majesty's Government. But we are not enabled at present to enter into any discussion respecting the effect of the Navigation Laws upon the Trade of Canada, as we have not yet had an opportunity of reading and considering the evidence which was taken by the Committee of the House of Commons, appointed during the late Session, to enquire into the expediency of modifying those laws. In the meantime I have caused this Memorial to be laid before the Committee, in order that in considering the important subject referred to them, they may be aware of the views entertained by the Montreal Board of Trade.

With regard to that part of the Memorial which relates especially to the Navigation of the St. Lawrence by foreign vessels, I have to state, that, although this question is also connected with the general Laws of Navigation, it may perhaps be possible to deal with it separately, and to comply wholly or partially with the application of the Memorialists, even though it should be decided to leave the rest of the Navigation Laws untouched.

(42)

The very fact, however, of this being a peculiarly Canadian question, and, as such, admitting of a separate solution, renders it more than commonly important that the sense of the Canadian Legislature and of the inhabitants of the Province should be clearly ascertained before any attempt is made to effect a settlement of it; and, however great may be the consideration justly due to the body from which this Memorial proceeds, Her Majesty's Government would not feel justified in coming to any final decision upon a question so materially affecting not only the foreign relations, and the commerce of the empire at large, but also the special fiscal interests of Canada, without a formal expression on the part of the Provincial Legislature, of its approbation and concurrence. An opportunity of ascertaining the views of that body will probably be afforded by the recent communication which I have made to your Lordship respecting the proposal to allow vessels of the United States to pass through part of the inland waters of Canada in voyages from Fort Covington to Lake Champlain. Should it appear, from the discussion that may arise on this proposition, that the Provincial Legislature is decidedly in favor of opening the Navigation of the St. Lawrence to foreign vessels, this subject shall receive the serious consideration of Her Majesty's Government, in order that such measures may be adopted as may appear to be best

calculated to promote the common interest of this country and of Canada, in providing that any changes which it may be expedient to effect in the regulations under which the commercial intercourse between the United States and the British dominions is now carried on, may be settled upon the principle of giving equal advantages to both parties.

If, however, any change of this kind should ultimately be considered expedient, I need hardly point out to your Lordship that it will be of the greatest importance to avoid giving a right to any but British subjects to navigate the St. Lawrence; if citizens of the United States should be permitted to do so, the permission must be granted upon the clearest understanding that it may at any time be withdrawn at the pleasure of Her Majesty's Government.

Perhaps it will be expedient further to limit the duration of any such indulgence to a period of five or ten years, unless expressly renewed.

I have, &c.

(Signed,) GREY.

The Right Honorable
The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)
No. 114.

Downing Street,
14th August, 1847.

Civil List
Bill.

My Lord,

I have to acknowledge the receipt of your Lordship's Despatch, No. 70, of the 13th July, transmitting a Joint Address to the Queen, from the Legislative Council and Assembly of Canada, praying that Her Majesty would be pleased to assent to a Bill passed in the last Session of the Provincial Parliament of Canada, intituled, "An Act for granting a Civil List to Her Majesty."

Having laid this Address before the Queen, I have received Her Majesty's commands to instruct your Lordship to acquaint the respective Houses of the Legislature of Canada, that the Imperial Parliament having, by an Act passed in the late Session, empowered Her Majesty, with the advice of Her Council, to assent to the Bill referred to in their Address, measures will be taken at next Council for specially confirming the same.

I have, &c.,

(Signed,)

GREY.

The Right Honorable
The Earl of Elgin and Kincardine,
&c., &c., &c.

(Copy.)
Circular.

Downing Street,
25th September, 1847.

Naturalization
of Aliens.

My Lord,

In the last Session of Parliament, an Act was passed "for the Naturalization of Aliens," 10th and 11th Vic. chap. 83. I herewith enclose a copy of it.

The Preamble of that Act explains briefly the circumstances in which it

originated. In almost all the British Colonies, laws had, of late years, been enacted, the object of which was to impart the privileges of natural-born British subjects to Aliens inhabiting the Colonies in which those enactments were made. On referring those Acts to the successive Law Officers of the Crown, it appeared from their answers to such references, to be a matter of great doubt whether they were valid and effectual for their purpose, and whether the Queen could properly be advised to confirm them. The principal ground of this doubt was the existence in the British Statute Book, of various general Acts respecting the Naturalization of Aliens, some of which Acts of Parliament, and especially the Statute 7 and 8 Vic. chap. 66, were supposed by Her Majesty's legal advisers to extend to, and to be in force throughout the British Colonies. But the Colonial Acts in question being found to be in several respects at variance with, and repugnant to, those Acts of Parliament, it was inferred that such Colonial Enactments were null and void, either in whole or in part.

To obviate a conclusion replete with so much inconvenience, and recommended by no assignable advantage, Her Majesty's Government recommending to Parliament, in their last Session, the passing of the Act which I now enclose.

The result of that Act is, first, to give validity to all Colonial Naturalization Acts formerly passed, and to declare that they shall be taken to have been valid from the time of their enactment. Secondly, the Act then proceeds to provide that all Naturalization Acts then proceeds to provide that all Naturalization Acts which shall hereafter be passed by any Colonial Legislature, shall, within the limits of the Colony, have the force of law, any Law or Statute to the contrary notwithstanding. But, thirdly, both the retrospective and the prospective operation of the 10th and 11th Vic. chap. 83, is confined to Colonial Acts which authorize the enjoyment of the privileges of naturalization within the limits of the Colony within which such Acts shall have been, or shall be made. It also declares, fourthly, that all such Naturalization Laws shall be subject to the rules which regulate the enactment and disallowance of Colonial Laws on any other subject. And, finally, it declares that the 7th and 8th Vic. chap. 66, does not extend to the British Colonies.

The result of these enactments will be to remove all doubts which have hitherto prevented the confirmation of various Naturalization Acts of the different British Colonies, and to ascertain the competency of the Colonial Legislatures to confer on Aliens the privileges of natural-born British subjects, if the exercise of those privileges be limited to the particular Colony in which the enactment may be made.

It may obviate a possible misconception to add, that, inasmuch as that part of the Navigation Act which confines to British subjects the ownership of British registered Shipping is not repealed, but continues in full force,

(43)

the disability of an Alien naturalized under a Colonial Act to own such Shipping, is not removed by the accompanying Statute 10 and 11 Vic. chap. 83. It would, indeed, be at variance with the terms of that Act to claim such a privilege in pursuance of it, inasmuch as the privileges which it authorizes the Colonial Legislatures to confer, are expressly restricted to the limits of the Colony within which they may so be conferred.

I propose, in a series of separate Despatches, to advert to, and dispose of the particular questions of this kind which have hitherto been pending; those separate Despatches being of course addressed to the Governors of those Colonies only in which any such questions have arisen.

I have, &c.

(Signed,) GREY.

The Right Honorable

The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)

No. 124

Downing Street,
25th September, 1847.

My Lord,

Referring to my accompanying Despatch on the subject of the Naturalization of Aliens, I have to observe, that under the circumstances there mentioned, it is now competent to the Legislature of Canada to remove, if such should be their pleasure, the difficulties to which the various Despatches of the years 1845 and 1846 refer, with the exception only that it is not competent to the Canadian Legislature to impart to any Alien the right to become an owner or part owner in any registered British Ship.

I have, &c.

(Signed,) GREY.

The Right Honorable

The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)

No. 128.

Downing Street,
13th October, 1847.

Duties on
Canadian
Produce.

My Lord,

I have received your Lordship's Despatch, No. 72, of the 26th July, in which you transmit an Address to the Queen from the Legislative Assembly of Canada, praying for the removal of all Duties in the United Kingdom, on the Produce of that Province.

I have to instruct your Lordship to acquaint the House of Assembly that I have laid their Address before the Queen, and that Her Majesty has been pleased to receive it very graciously, and to command that the following answer be returned through your Lordship to their application.

In order that the wishes of the House of Assembly might be justly appreciated, a Statement has been prepared, shewing the nature and quantities of the principal Articles of Commerce which were imported into the United Kingdom from the British North American Possessions during each of the years 1843, 1844, and 1845, together with the past and present rates of Duty thereon where any have been chargeable.

From this Statement (of which a copy is herewith annexed) the House of Assembly will perceive that with the exception of three articles, viz: Butter, Cheese, and Clover Seed, upon which moderate Duties still exist for the necessary purpose of Revenue, all articles of Canadian Produce are now admitted for consumption in this Country, either free of Duty or at rates purely

nominal, and that with reference to the Duties upon those three articles, the rates are very much less than those charged upon the same articles the produce of, and imported from Foreign Countries. It is material to observe also that as English Manufactures are liable to Revenue Duties in Canada of an amount equal to the Duties paid on similar articles imported into the Province from Foreign Countries, the entire abolition of Duties on the importation of Canadian Produce into the United Kingdom would, if acceded to on the grounds urged by the Assembly, require the necessary repeal of all Canadian Duties levied on British Produce, a measure which would, I apprehend, occasion serious inconvenience to the Provincial Treasury, unless the deficiency arising therefrom were met by some other mode of taxation.

On these grounds I have felt that it would be not consistent with my duty to advise Her Majesty to recommend to Parliament that any measure should be passed either for complying with the application of the House of Assembly for the removal of all Duties levied in this Kingdom on the Produce of Canada, or for sanctioning a deviation from the policy which the Legislature has deliberately adopted with regard to differential Duties.

I have, &c.

(Signed,)

GREY.

The Right Honorable

The Earl of Elgin and Kincardine,

&c. &c. &c.

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STATEMENT shewing the Quantities of various Articles imported into the United Kingdom from the British North American Colonies, in each of the years 1843, 1844, and 1845, shewing also the Rates of Duty payable in each of the years, and also under the Tariff of 1846.

| A R T I C L E S . | Quantities Imported. | 1843. | |
|----------------------|----------------------|-----------------------------------|-------------------------------|
| | | RATES OF DUTY. | |
| | | Colonial. | Foreign. |
| Ashes, Pearl and Pot | cwts. 136,880 | Free | 6d. per cwt. |
| Bark for tanning | " | 1d. per cwt. | 3d. do |
| Butter | " 3,962 | 5s. do | £1 do |
| Cheese | " 99 | 2s. 6d. do | 10s. 6d. do |
| CORN, viz.:-- | | | |
| Wheat | qrs. 20,257 | 1s. to 5s. per qr.* | 1s. to 20s. per qr. |
| Barley | " 835 | 6d. 2s6d. do | 1s 11s. do |
| Oats | " 254 | 6d. do do | 1s. 8s. do |
| Peas and Beans | " 8,955 | 6d. 3s. do | 1s. 11s.6d.do |
| Wheatmeal and Flour | cwts. 326,163 | 4 1/8d. to 1s. 8 5/8d. p. cwt. | 4 1/8 d. 6s. 10 1/2d. p. cwt. |
| Hides, untanned | 3,416 | { Wet, 1d. p. cwt. Dry, 2d. do | { 3d. per cwt. 6d. do } |
| Oil, Spermaceti | tuns. 295 | 1s. per tun. | £15 per tun. |

| A R T I C L E S . | | 1843. | | |
|--|----------|--------------------------------|---------------------|--------------------------------|
| | | Quanti- ties Im- ported. | RATES OF DUTY. | |
| | | | Colonial. | Foreign. |
| Oil, other | tuns. | 12,470 | 1s. per tun. | £6 per tun. |
| SEEDS, viz.:-- | | | | |
| Clover | cwts. | 8 | 5s. per cwt. | 10s. per cwt. |
| Linseed and Flaxseed | qrs. | 158 | 1d. qr. | |
| SKINS AND FURS, viz.:-- | | | | |
| Bear, Undressed | No. | 6,224 | 2s. each. | 2s. each. |
| Beaver, do | " | 40,480 | 2d. do | 8d. do |
| Deer, do | " | 5,774 | $\frac{1}{2}$ d. do | 1d. do |
| Goat, do | " | 80 | 2d. per dozen | 3d. per dozen |
| Martin, do | " | 80,804 | 2d. each. | 4d. each. |
| Mink, do | " | 32,137 | $\frac{1}{2}$ d. do | 1d. do. |
| Musquash, do | " | 577,295 | 6d. per 100 | 1s. per 100 |
| Otter, do | " | 8,633 | 6d. each | 1s. each |
| Seal, do | " | 653,215 | 1d. per dozen | 4s. per dozen |
| Tallow | cwts. | 842 | 3d. do cwt. | 3s. 2d per cwt. |
| Wax, Bees' | " | 15 | 1s. do do | 2s. do |
| Whale-fins | " | 265 | 1s. do tun. | £20 per cent. ad val. |
| WOOD AND TIMBER, viz.:-- | | | | |
| Deals, Battens, &c., sawn or split | loads. | 339,455 | 2s. per load | 32s. per load |
| Do do, not sawn, | " | 578,172 | 1s. do do | 25s. do |
| Lathwood | fathoms. | 5,177 | 1s. do fathom | 40s. per fathom |
| Staves | loads. | 43,903 | 2s. do load | 28. do load |
| Wool, Sheeps' | lbs. | 13,125 | Free | $\frac{1}{2}$ d to 1d. per lb. |

* From 10th October, 1843, the Duty on Canadian Wheat was 1s. per quarter, and on Canadian Wheat Meal and Flour, 4-1/8d. per cwt.

| A R T I C L E S . | 1844. | | 1845. | | | |
|---------------------------|----------------------|------------------------|-------------------------|----------------------|-----------------------|---------------------------------|
| | Quantities Imported. | RATES OF DUTY. | | Quantities Imported. | RATES OF DUTY. | |
| | | Colonial. | Foreign. | | Colonial. | Foreign. |
| Ashes, Peel and Pot cwt. | 147,719 | Free | 6d. per cwt. | 156,256 | Free | Free |
| Bark for tanning " | 6 | 1d. per cwt. | 3d. do | 6 | do | do |
| Butter " | 4,185 | 5s. do | £1 do | 7,640 | 5s. per cwt. | £1 per cwt. |
| Cheese " | 84 | 2s. 6d. do | 10s. 6d. do | 236 | 2s. 6d. do | 10s. 6d. do. |
| CORN, viz.:-- | | | | | | |
| Wheat qrs. | 36,123 | 1s. per qr. | 1s. to 20s. | 38,612 | 1s. per qr. | 1s. to 20s. |
| Barley " | 8,205 | 6d. to 2s. 6d. p. qr. | 1s. 11s. | 3,635 | 6d. to 2s. 6d. p. qr. | 1s. 11s. |
| Oats " | 3,999 | 6d. 2s. do | 1s. 8s. | 10,934 | 6d. 2s. do | 1s. 8s. |
| Peas and Beans " | 16,280 | 6d. 3s. do | 1s. 11s. 6d. | 22,559 | 6d. 3s. do | 1s. 11s. 6d. |
| Wheatmeal and Flour cwt. | 671,814 | 4-1/8d. per cwt. | 4-1/8d. to 6s. 10 1/2d. | 667,581 | 4-1/8d. per cwt. | 4-1/8d. to 6s. 10 1/2d. p. cwt. |
| Hides untanned | 2,910 | { Wet, 1d. Dry, 2d. | 3d. per cwt. } | 2,091 | Free | Free |
| Oil, Spermaceti tuns. | 218 | 1s. per tun. | £15 per tun | 35 | do | £15 per tun. |
| Oil, other " | 9,375 | do do | £6 do | 10,301 | do | £6 do |
| SEEDS, viz.:-- | | | | | | |
| Clover cwt. | | 5s. per cwt. | 10s. per cwt. | 30 | 5s. per cwt. | 10s. per cwt. |
| Linseed and Flaxseed qrs. | 158 | 1d. do qr. | | 113 | Free | Free |
| SKINS AND FURS, viz.:-- | | | | | | |
| Bear, Undressed No. | 5,918 | 2s. each | 3s. each | 5,842 | Free | Free |
| Beaver, do " | 39,056 | 2d. do | 8d. do | 43,762 | do | do |
| Deer, do " | 6,701 | 1 1/2d. do | 1d. do | 2,280 | do | do |
| Goat, do " | 76 | 2d. per dozen | 3d. per dozen | 5 | do | do |
| Martin, do " | 76,272 | 2d. each | 4d. each | 119,106 | do | do |
| Mink, do " | 32,889 | 6d. per 100 | 1s. per 100 | 42,592 | do | do |
| Musquash, do " | 282,566 | do do | do do | 351,826 | do | do |
| Otter, do " | 8,308 | 6d. each | 1s. each | 8,533 | do | do |

| A R T I C L E S . | 1844. | | | | 1845. | | | |
|--|----------------------|----------------|-----------------------|----------------------|----------------|-----------------------|--|--|
| | Quantities Imported. | RATES OF DUTY. | | Quantities Imported. | RATES OF DUTY. | | | |
| | | Colonial. | Foreign. | | Colonial. | Foreign. | | |
| Seal, Undressed No. | 460, 150 | 1d. per dozen | 4s. per dozen | 438, 909 | Free | Free | | |
| Tallow cuts. | 752 | 3d. per cwt. | 3s. 2d. per cwt. | 797 | 3d. per cwt. | 3s. 2d. per cwt. | | |
| Wax, Bees' " | 13 | 1s. do | 2s. do | 11 | Free | Free | | |
| Whale-fins " | 59 | 1s. per tun | £20 p. cent. ad. val. | 453 | do | £20 p. cent. ad. val. | | |
| WOOD AND TIMBER, viz. :-- | | | | | | | | |
| Deals, Battens, &c. sawn or split loads. | 392, 830 | 3s. per load | 32s. per load | 489, 602 | 2s. per load | 32s. per load | | |
| Do do, not sawn loads. | 545, 820 | 1s. do | 25s. do | 789, 769 | 1s. do | 25s. do | | |
| Lathwood fathoms. | 4, 688 | 1s. per fathom | 40s. per fathom | 6, 853 | 1s. per fathom | 40s. p. fathom | | |
| Staves loads. | 44, 180 | 2s. per load | 28s. do load | 53, 582 | 2s. do load | 28s. do load | | |
| Wool, Sheeps' lbs. | 12, 887 | Free | Free | 18, 280 | Free | Free | | |

| ARTICLES. | 1846. | |
|---|------------------|------------------------------|
| | RATES OF DUTY. | |
| | Colonial. | Foreign. |
| Ashes, Pearl and and Pot cwt. | Free | Free |
| Bark for tanning " | do | do |
| Butter " | 2s. 6d. per cwt. | 10s. per cwt. |
| Cheese " | 1s. 6d. do | 5s. do |
| CORN, viz.:-- | | |
| Wheat qrs. | 1s. per qr. | 4s. to 10s. per qr. |
| Barley " | do do | 2s. 5s. do |
| Oats " | do do | 1s. 6d. to 4s. per qr. |
| Peas and Beans " | do do | 2s. to 5s. per qr. |
| Wheatmeal and Flour cwt. | 4½d. per cwt. | 1s. 4½d. to 3s. 5½d. p. cwt. |
| Hides untanned | Free | Free |
| Oil, Spermaceti tons. | do | £15 per tun. |
| Oil, other " | do | £6 do |
| SEEDS, viz.:-- | | |
| Clover cwt. | 2s. 6d. per cwt. | 5s. per cwt. |
| Linseed and Flaxseed qrs. | Free | Free |
| SKINS AND FURS, viz.:-- | | |
| Bear, Undressed No. | Free | Free. |
| Beaver, do " | do | do |
| Deer, do " | do | do |
| Goat, do " | do | do |
| Martin, do " | do | do |
| Mink, do " | do | do |
| Musquash, do " | do | do |
| Otter, do " | do | do |
| Seal, do " | do | do |
| Tallow cwt. | 1d. per cwt. | 1s. 6d. per cwt. |
| Wax, Bees' " | Free | Free |
| Whale-fins " | do | £20 per cent. ad. val. |
| WOOD AND TIMBER, viz.:-- | | |
| Deals, Battens, &c. sawn or split loads. | 2s. per load | 32s. per load |
| Do, do not sawn " | 1s. do | 25s. do |
| Lathwood fathoms. | 1s. per fathom | 40s. per fathom. |
| Staves loads. | 2s. do load | 28s. do load. |
| Wool, Sheeps' lbs. | Free | Free |

(45)

(Copy.)
No. 133.

Downing Street,
23rd October, 1847.

Halifax and
Quebec Rail-
road.

My Lord,

A favorable Report having reached Her Majesty's Government as to the practicability of constructing one good line of Railway between Halifax and Quebec, it appears to Her Majesty's Government that the proper time has arrived for recalling the attention of the Legislature of Canada to the Resolution passed by the House of Assembly, on the 2nd June, 1846, pledging the House to defray its fair proportion of the expense of the preliminary survey for the projected Railway.

Instructions have been given to Major Robinson, to transmit to your Lordship, and to the Lieutenant Governors of Nova Scotia and New Brunswick, precise statements of the amount of expenditure incurred on this service for each Province, and on receiving the account for Canada your Lordship will communicate it to the House of Assembly, and recommend that provision be made for repaying to the British Treasury the amount advanced for the exploration in question, either to the late Captain Pilon, or to Major Robinson, up to the date mentioned in the statement which will be submitted to you.

I have, &c.

(Signed,)

GREY.

The Right Honorable

The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)
No. 136.

Downing Street,
18th November, 1847.

Railway Bills.

My Lord,

I have had under my consideration seven Acts passed by the Legislature of Canada during their last Session, and reserved by your Lordship for the signification of Her Majesty's pleasure.

The numbers and Titles of these Bills are:--

No. 441. An Act to incorporate the Woodstock and Lake Erie Railway and Harbour Company.

No. 442. An Act to incorporate the Bytown and Britannia Railway Company.

No. 443. An Act to incorporate the Carillon and Grenville Railway Company.

No. 444. An Act to incorporate the Lake St. Louis and Province Line Railway Company.

No. 445. An Act to incorporate the Montreal and Province Line Junction Railway Company.

No. 446. An Act to incorporate the Canada, New Brunswick, and Nova Scotia Railway Company; and,

No. 447. An Act to incorporate the Toronto and Goderich Railway Company.

I have deemed it advisable to consult the Commissioners of Railways in this country upon the provisions contained in these Bills, and I transmit for your Lordship's information the accompanying copy of their Report. The objections which they have pointed out appear to me so important as to induce me to postpone advising Her Majesty to confirm these enactments until I shall be

in possession of the conclusion to which a full consideration of this Report may lead yourself and your Council.

With this view, therefore, your Lordship will submit the Commissioners's Report to your Council, and inform me whether in their and your judgment, the permanent interests of the Canadian Public require that these Bills should at once, and without further amendments, receive Her Majesty's sanction.

I have, &c.
(Signed,)

GREY.

Governor
The Right Honorable
The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)

Office of Commissioners of Railways,
Whitehall, 6th November, 1847.

Sir,

I have been directed by the Commissioners of Railways to acknowledge the receipt of your letter of the 29th September, in which you transmitted for the consideration of the Commissioners, transcripts of the following seven Acts authorizing the construction of different Railways in Canada, which have recently been passed by the Legislature of that Province:--

No. 441. An Act to incorporate the Woodstock and Lake Erie Railway and Harbour Company.

No. 442. An Act to incorporate the Bytown and Britannia Railway Company.

No. 443. An Act to incorporate the Carillon and Grenville Railway Company.

No. 444. An Act to incorporate the Lake St. Louis and Province Line Railway Company.

No. 445. An Act to incorporate the Montreal and Province Line Junction Railway Company.

No. 446. An Act to incorporate the Canada, New Brunswick and Nova Scotia Railway Company; and,

No. 447. An Act to incorporate the Toronto and Goderich Railway Company.

I am directed to acquaint you in reply, that the Commissioners, agreeably to the request of Earl Grey, have taken these Acts into consideration, and have made the following observations upon them which apply for the most part to all or more than one of the Acts, and have therefore been arranged in a collected form with reference to the subjects adverted to, rather than as remarks upon each Act separately. The provisions of these Acts that appear to be most worthy of observation, on account both of their novelty and importance, are those by which a right is reserved to the Government of purchasing the Railway at a future time. In some other Colonial Railway Acts which have engaged the attention of the Commissioners, the option of purchase by the Government is given only upon the event of the Company's profits exceeding a certain specified rate per cent. on the amount of their capital, and is thus made dependent upon a condition which, from its liability to be evaded by the financial operations of the Company, may prevent,

or indefinitely defer, any practical assertion of the right.

But in the greater number of the present Acts, (Nos. 442, 443, 444, 445, and 447,) the Government is enabled to purchase the Railway at any time, either before or after its completion, on giving three months notice of their intention to do so, and repaying to the Company the amount of their expenditure, with interest up to the time of opening the Railway. As one of the principal advantages to be derived from these provisions appears to consist in the power they confer upon the Government of acquiring upon an emergency the exclusive possession of the means of communication, it is important for the attainment of this object that the exercise of the right of purchase should not be clogged with conditions of doubtful effect, or such as may occasion difficulty in the adjustment of the terms. On this account it appears desirable that the rate of interest to be paid by the Government on the outlay, should, as in the Acts Nos. 446 and 447, be fixed by the provisions of the Act, and not, as in the Acts Nos. 442, 443, 444, and 445, be left as a matter for future arrangement. For the same reason also, the condition inserted in the Act No. 445, that the Government, in addition to the reimbursement of the paidup capital, shall repay to the Company "any sums bonâ fide furnished or advanced by the Shareholders towards completing and improving the Railway," appears to introduce into the terms of the purchase, much that is very vague and open to dispute.

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In the Act 446, likewise, the form of the clause adopted in the other Acts is altered in a manner that seems likely to give rise to considerable uncertainty with respect to the conditions of the purchase. The price to be paid by the Government is, by the items of this Act, to be determined not simply by the amount of Capital paid up, but according to its value at the time; but no mode is pointed out in which the value is to be ascertained.

The Commissioners observe that in the same Act, No. 446, there occurs a modification of the provisions for purchase, of which the explanation is not apparent, but is perhaps to be found in certain circumstances peculiar to the particular scheme, and which, considered without reference to any circumstances of that kind, is inconsistent with that which is presumed to be one of the principal objects of these provisions. In this Act, the power of purchase is not to be exercised till after twenty-one years from the completion of the Railway, and after three years notice of the intention to purchase. It is observable, however, that this departure from the form followed in the other Acts is not noticed in the abstract of these Acts transmitted by the Provincial Law Officers.

The Commissioners are unwilling to pass wholly without remark the omission in the Act No. 441, of any reservation of a power to purchase to the Government; since, however, the provisions of this Act are peculiar, not only in this, but also in several other respects, the particular omission in question may probably be attributable to some cause arising out of the nature of the undertaking itself. One of these peculiarities, however, that can hardly be accounted for in that manner, is the clause contained in this Act prohibiting travelling on the Railroad on Sundays.

It appears to the Commissioners that such a prohibition is objectionable in principle, and that perfect liberty in this respect should at all events be permitted, if the Legislature should not think fit to require accommodation to be given to the public. It may also be remarked in this place that

the clause inserted in all the other Acts providing that the guage shall be fixed by the Governor of the Province is wanting in this Act, and also in Act No. 445, nor is the guage of the Railway defined by the Act itself.

In the Acts Nos. 444 and 445, is contained a provision that when the annual dividend of the Company shall exceed a certain rate per cent., one-half of the surplus shall be paid to the Government as a tax. It appears to the Commissioners that the condition requiring that the divisible profits shall exceed a certain rate, renders this provision liable to the same doubts as to its practical utility that they have already had occasion to state with reference to the powers of revision and purchase sometimes introduced into Colonial Railway Acts, and that for this reason, little reliance can be placed upon this provision as a possible source of revenue. If it is contemplated to tax the profits of Railway Companies in the Colonies, a passenger tax, as under the Imperial Act 5 and 6 Vic. c. 79, or some other direct impost, would, it is considered, form the means best adapted to the purpose; as suggested by the Earl of Clarendon in his Minute of the 10th November, 1846, on the Canada Railway Acts, Nos. 401 and 402.

The clauses in these Acts, Nos. 442 to 446 inclusive, relating to the conveyance of the Mails and Troops, contain a proviso that the Company shall not be obliged to start trains for this purpose, except at the usual times of starting. The Commissioners understand that in the case of other Colonial Railway Acts it has been considered that this limitation might be found inconvenient as respects the conveyance of Troops, and it would probably be so considered in the present instance. In the Act No. 447, the proviso is omitted, and there is no such restriction with regard either to the conveyance of Mails or Troops, although, in the case of the former, it may not be equally liable to objection. The Act No. 441 does not contain provisions for the conveyance either of the Mails or Troops.

It does not appear that there has as yet been any legislation in the Province having for its object the general regulation of Railways or Railway Companies: In an Act however referred to the Report of the Provincial Law Officers, and which has been passed in the course of the present year, being an Act for amending the Montreal and Lachine Railway Act, the following clause has been introduced which has a general application to Railways either at present authorized, or which shall at any future time be sanctioned by the Legislature:--"That all by-laws of the said Company, and all other Railroad Companies now or hereafter incorporated, as to which the right to interfere with the Act of incorporation is reserved in such Act of incorporation, regulating the tolls to be taken on the said road in this Act, and in the said other Acts of incorporation mentioned, shall be subject to the approval of the Governor in Council."

Without remarking on the inconvenience of introducing a general law on the subject of Railways into an Act for the construction of a particular Railway, the Commissioners have to observe, that the approval of by-laws by the Governor is, by this enactment, confined to those which regulate the tolls to be taken on the Railway. The Commissioners would suggest that, as in the case of the New Brunswick Acts lately under their consideration, the power of approving the Company's by-laws should not be restricted to by-laws for this purpose only, but should be extended to all by-laws, whatever their object; or at least, as under the English Acts relating to the matter, to all by-laws affecting persons other than the officers and servants of the

Company; the making of by-laws for the internal government of the corporation being left to the discretion of the Company.

In connection with this subject, the Commissioners would observe that the Acts now under consideration do not contain any scale of maximum charges for the conveyance of goods and passengers on the Railway. The enactment in the Montreal and Lachine Act which has been referred to, subjects the by-laws regulating the tolls to the approval of the Governor; and as there is no power given to the Company to make any charge for carriages or locomotive power, the tolls may, with respect to these Railways, be considered to include the whole charge for carriage and conveyance; this enactment, therefore, affords a certain kind of security, but it is the only one that appears to be provided for the protection of the public from exorbitant charges on the Railways. It becomes therefore a matter of great importance to ensure that this enactment shall have application to all Railways. A clause to the same effect is specially inserted in the Acts Nos. 446 and 447. But with regard to the Railways authorized by the five other Acts, the security of the public in this respect depends entirely upon that which may be derived from the enactment in the Montreal and Lachine Railway Act. The operation of this enactment, however, is restricted to Railway Companies, "as to which the right to interfere with the Act of incorporation is reserved by the Act of incorporation." This restriction appears to have reference to the clause introduced in compliance with the first recommendation in Mr. Secretary Gladstone's Circular of the 15th January, 1846: "That nothing herein contained shall be construed to except the Railway by this Act authorized to

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be made, from the provisions of any general Act relating to Railways which may be passed during the present or any future Session of Parliament." In six of the Acts at present under consideration, this clause is inserted; but in No. 441 a clause of an effect in some degree similar, but not expressed in equally comprehensive terms. The manner in which the beneficial enactment in the Montreal and Lachine Amendment Act has been qualified, constitutes an additional reason that the insertion of this clause should be insisted upon with the same strictness and uniformity in the Railway Acts of the Canadian Legislature as in those of the Imperial Parliament.

With the single exception that has just been noticed, there appears to be an entire absence of any general legislation on the subject of Railways in Canada. It may be worthy of the consideration of Her Majesty's Government, whether the best remedy for this state of things might not be found in the enactment by the Provincial Legislature, in a consolidated form, of such of the provisions of the Imperial Acts of Parliament, as may be capable of application to this Colony. The Commissioners in a former communication addressed to the Colonial Office, have had occasion to remark on the generally satisfactory manner in which this has been accomplished in the Colony of British Guiana. The great number and extent of the Railway enterprises at present projected in Canada, would almost seem to demand some measure of the same kind, which would be calculated not only to protect the interests of the public, but would afford the means of rendering the Acts for the construction of particular Railways more uniform and concise by the expedient of embodying in them, by reference, the provisions of the general enactment. In the mean time it is necessary that every Canadian Railway Act should

contain in itself the whole of the regulations that are considered of essential importance. With this view, the Commissioners wish particularly to point out that, in the Acts at present under consideration, no provision is made for regulations conducive to the public safety and convenience, similar to those contained in the Acts of the Imperial Parliament relative to the opening of Railways after notice, the appointment of Inspectors, returns of traffic and accidents, and the conveyance of the poorer class of travellers by cheap trains.

There are also several instances in which the details of these Acts, as to matters of considerable importance to the public, differ in such a manner from the provisions in the English Acts relating to the same matters, as can hardly be wholly accounted for by any diversity of local circumstances; of these, the following may be mentioned as appearing to call for remark.

The powers of borrowing in most of these Acts are free from several of the restrictions imposed on such powers in English Railway Acts. In all these Acts, except Nos. 446 and 441, the exercise of the power may be resorted to at any time, and is not deferred till a certain proportion (by the Standing Orders of the Houses of Parliament, one-half,) of the capital has been paid up. No uniform rate appears to be observed as to the proportion which the amount of the loan is to bear to that of the Company's Capital; in many of the Acts it is one-half of the whole capital; in the Acts Nos. 442 and 445, it exceeds that proportion. Under the Standing Orders it is limited to one-third.

The powers of borrowing are also expressed with too much latitude, in giving the Company power to raise money on "bond, debentures, or other securities."

It appears to the Commissioners that, as is usual in the English Acts, the nature of the securities intended to be authorized should be distinctly specified.

In these Acts also, the Company are authorized to mortgage the "lands," as well as their other property. The mortgages of the undertaking by English Railway Companies have not been considered to include the land on which the Railway is constructed.

The power of deviating, in making the Railway, given by all these Acts, except Nos. 441 and 447, to the extent of a mile from the line of Railway as marked in the deposited plan, far exceeds the usual limits of deviation under English Railway Acts. So large a deviation might possibly be not very objectionable in certain parts of the Province, but might prove extremely injurious and inconvenient in the neighborhood of a Town, or in a thickly settled District.

The regulations for the construction of bridges for carrying the Railway over roads, differ from those adopted in English Railway Acts, in respect that the width of the arch required, is less than the average width prescribed by the Railway Clauses Consolidation Act, and although the height required is in most cases the same, yet it is not the clear height for any given space,--and there is no regulation defining the width of the bridge by which roads are to be carried over the Railways.

The Acts Nos. 446 and 447 alone contain a provision requiring the erection of gates across roads where the Railway crosses them on a level; and, near a Town at least, some precaution of that kind appears necessary for public safety.

The Commissioners are desirous to draw the attention of Earl Grey to these variations from the course pursued in legislating upon Railways in this country. It will be for his Lordship to consider what degree of importance is to be attached to them, with reference to the local circumstances of the Colony generally, or of the particular district through which any of these Railways are to pass; and whether any correction may be called for in the way of supplementary legislation, either by amendments of the Acts in each case, or, as the Commissioners have suggested, some general enactment embodying, in a comprehensive form, the provisions applicable to projects of this kind.

I have, &c.,
(Signed,) H. D. HARNESS,
Captain Royal Engineers.

Benjamin Hawes, Esquire,⁷¹
&c., &c., &c.

SIR A. MACNAB moved that the despatches relating to Railroads in the Province, be referred to the Standing Committee for Railroads and Telegraphs.⁷²

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Railways. Ordered, That the Despatches on the subject of Railways be referred to the Standing Committee on Railways and Telegraph Lines.

SIR A. MACNAB subsequently moved that 500 copies of the despatches be printed for the use of members--one half in each language.⁷³

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Ordered, That five hundred copies of the said Despatches be printed for the use of the Members of this House.

London Manufacturing Company Bill.

Mr. Wilson, from the Select Committee to which was referred the Petition of L. Lawrason and others, of the Town of London, with power to report by Bill or otherwise, presented to the House, a Bill to incorporate the London Manufacturing Company, which was received and read for the first time; and ordered to be read a second time, on Friday next.

Trafalgar, &c., Road Company.

Mr. Wetenhall, from the Select Committee to which was referred the Petition of the Trafalgar, Esquesing, and Erin Road Company, presented to the House the Report of the said Committee, which was again read at the Clerk's table; and is as followeth:--

The Road intended to be made by the Petitioners leads from Lake Ontario to Owen's Sound, on Lake Huron, and over which the produce of a large and

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fertile section of country is conveyed over it to the Port of Oakville, the shipping port.

The Townships of Trafalgar and Esquesing, through which the Road passes, are not surpassed by any portion of the Province in fertility of soil and quality of productions, and the improvement of this Road will most materially promote the prosperity of the inhabitants of those Townships, and bring into immediate settlement a large tract of fertile land now laying waste, solely

from the difficulty of access.

Your Committee believing that the improvement of this line of Road is worthy of the best consideration of the Government and of the District Councils, beg to recommend that the prayer of the Petitioners be granted.

Consumers' Gas
Company of
Toronto Bill.

Mr. Morrison, from the Select Committee to which was referred the Petition of Charles Berczy and others, of the City of Toronto, with power to report by Bill or otherwise, presented to the House, a Bill to incorporate "The Consumers' Gas Company of Toronto," which was received and read for the first time; and ordered to be read a second time, on Friday next.

MR. CHRISTIE⁷⁴ wished to know if the House would proceed to consider the petition against the return of the sitting member for Bonaventure.⁷⁵ ((He)) proposed that this case should be taken up.⁷⁶

MR. DRUMMOND, on the part of the Government⁷⁷ said he would desire that the vote of the supply should be first taken, and then discharge such orders as were likely to lead to discussion, or could not be acquiesced in by the administration. This course would materially assist the House in getting through the necessary business with despatch. He wished Mr. Christie to postpone his motion.⁷⁸

MR. CHRISTIE decided to give way, and moved that the House should enter upon the question.⁷⁹

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Bonaventure
Election.

Mr. Christie moved, seconded by Mr. M'Lean, That the Order of the day for taking into consideration a Motion made on Monday last, "That the Petition of A. Bebee and others, Electors of the County of Bonaventure, complaining of the undue Election and Return of William Cuthbert, Esquire, to represent the said County in this Parliament, be now received;" and also the Amendment which was proposed to be made to the said Motion, and which Amendment was, That the word "now" be struck out, and the word "not" substituted, be now read.

MR. DRUMMOND would then move as an amendment, that the consideration of the question be adjourned till to-morrow; he proposed the amendment because he thought that they would have a better opportunity of entering into the question⁸⁰. In the meantime he wished the hon. Member would take some steps to inquire into the alleged surreptitious affixing of the seat to the certificate of justification, about which so much had been said by hon. Members, and which now, he understood, the hon. Member did not intend proceeding with⁸¹. The hon. member owed it to the House and to himself to inquire into this matter; till this preliminary inquiry had been made, the House could not take up the question.⁸² He was surprised that, after the question was postponed last evening, the hon. member for Gaspé had not moved for a Committee to enquire into the matter.⁸³ Charges, very serious charges, had been made and they must be proved or refuted.⁸⁴ The House would not be satisfied with the mere assertion of the hon. member for Gaspé, or any other hon. member, that the seal was not there. He hoped that after the hon. member had made such a serious insinuation against the hon. member for Quebec, he would adopt some measure for the purpose of entering into this preliminary inquiry.⁸⁵

MR. ARMSTRONG seconded the amendment.⁸⁶

MR. CHRISTIE did not know from whom the hon. member from Shefford had got his understanding that he (Mr. C.) did not intend to pursue this matter. Certainly not from himself. He had made no allegations that he was prepared to retract--on the contrary, he believed fully that a seal had been put to this paper since it came into possession of the House. He might have doubted his own eyes, his own senses, but he could not doubt it when he had the positive conviction of no less than five gentlemen who had all seen the document. He was, however, disposed to let the thing rest if the House was of opinion that it was not essential to the matter under discussion⁸⁷. The matter was not, in his opinion, essential to the question⁸⁸, for he thought that there were other grounds sufficient to justify the rejection of the petition.⁸⁹ ((He)) said he had no objection to an enquiry into the matter; he would proceed with it himself or allow others to do so;⁹⁰ but it was not his business; it was the business of the House--it was the business of the country.⁹¹ He never had said he would dispense with enquiry; what he said was, that he had sufficient evidence of the illegality of the petition, whether the seal was properly affixed or not. In considering the petition he should totally give up that point, and, therefore, he desired it should be proceeded with immediately.⁹² He had never meant to insinuate that the hon. member for Quebec was concerned in any alteration made in that petition; he was satisfied that he was incapable of such a thing; and if the hon. gentleman had so understood him, he could only apologize.⁹³

MR. H. SHERWOOD was of opinion, for the sake of preserving their consistency, the House should proceed with this, a question of privilege, before any other;⁹⁴ ((he)) reminded the hon. gentleman who had represented the Government--the incarnation of the new Ministry--that at the beginning of the session of Parliament questions of privilege were paramount to all others,⁹⁵ at least this was the opinion of hon. gentlemen opposite when it answered their purpose, and he thought it strange they should use his argument at one time and abandon it another. Last week they were for purifying the House before transacting any business,⁹⁶ not only ... ((inquiring)) into petitions, but ... ((rejecting)) a man from his seat without inquiry.⁹⁷

A voice, "served him right."⁹⁸

MR. H. SHERWOOD ((continued:)) But⁹⁹ this week they were all for the orders of the day and adjournment¹⁰⁰, now the hon. gentleman wanted a question of Supply to take precedence. He contended that this question ought to be treated with the same promptitude as those cases had been.¹⁰¹ ((He)) urged that it was equally just that the enquiry should be entered into with respect to this as to the other contested seats,--especially as a heavy charge had been made against some person by the hon. member for Gaspé.¹⁰² He hoped the House would have sufficient consistency not to be made subservient to the views of the Representatives of Government.¹⁰³

MR. DRUMMOND thought that if the House followed the example of the hon. member for Toronto, it would show itself very inconsistent indeed. (Hear, hear.) This question was actually postponed at the suggestion of the hon. member himself (loud cries of "hear, hear"), in order that this inquiry might be entered into and yet this gentleman forgot within the short space of 48 hours that it was in compliance with his own suggestion that this inquiry

APPENDIX: 17 MARCH 1848.

((NOTICE OF MOTION RE: OFFICES OF SOLICITOR GENERAL AND COMMISSIONERS OF BOARD OF WORKS.))

MR. CHRISTIE gave notice that before the House went into consideration of granting the supplies--he would move hereafter that the office of Solicitor General (East and West) shall be non-political, and likewise the two Commissioners of the Board of Works--and that in lieu there be two seats in the Executive Council filled by representatives of the Commercial and Agricultural interests.¹⁰¹

((NOTICE OF MOTION RE: PENSIONS FOR MEMBERS OF LATE ADMINISTRATION.))

COL. GUGY gave notice that he would move for copies of all correspondence, despatches, &c., in reference to pensioning any members of the late Administration.¹⁰²

((BREACH OF PRIVILEGE BROUGHT TO THE ATTENTION OF THE HOUSE.))¹⁰³

MR. BOULTON brought under the notice of the House what he considered a breach of privilege. In the report of the proceedings of the House, in the Montreal Gazette, he found the following passage. In speaking of the appointment of the Committee on Railways and Telegraphs, the reporter said:-- "The motion was ultimately carried against the Ministers--yeas, 33; nays, 31. Mr. H. J. Boulton was present, but did not vote."--He contended that the reporters had no right to notice these things. His reason for not voting, as it happened, was, that he had not been in the House during the discussion.¹⁰⁴

((STATEMENT RE: CUSTOMS BILL OF LAST SESSION.))¹⁰⁵

MR. BADGLEY said, in reference to his notice of enquiry of the organ of Ministers, on giving effect to the Customs Bill of last Session--that he had been assured the Bill was received, sanctioned, and would be proclaimed in the course of a day or two.¹⁰⁶

((WITHDRAWN MOTION RE: SURVEY OF LONG SAULT RAPIDS ON THE ST. LAWRENCE RIVER.))¹⁰⁷

MR. MCLEAN moved for an address to His Excellency for a survey of the "Long Sault" Rapids on the River St. Lawrence.¹⁰⁸

MR. CRYSLER seconded the motion.¹⁰⁹

MR. DRUMMOND thought that the motion of the hon. member for Stormont was one which should not be made by any member of that House, especially when there was no representative of the Executive Government in the House, it was one which might entail expense, probably very great.¹¹⁰

MR. MCLEAN.--It cannot cost more than £25.¹¹¹

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That all the words after "That" in the said Motion, be struck out, and the following substituted: "a Special Committee of five Members be appointed to enquire as to whether the Seals of the Justice of the Peace, and of the Judge, affixed to the Certificates attached to the Petition in the matter of the Petition against the sitting Member for Bonaventure were, or either of them, affixed to the said Certificates before or since the Petition was presented to this House," to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Question being put on the said Motion of Amendment, it was agreed to by the House.¹¹⁵

Resolved, That a Special Committee of five Members be appointed to enquire as to whether the Seals of the Justice of the Peace, and of the Judge, affixed to the Certificates attached to the Petition in the matter of the Petition against the sitting Member for Bonaventure were, or either of them, affixed to the said Certificates before or since the Petition was presented to this House, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Wilson, Sir Allan N. MacNab, the Honorable Mr. Badgley, the Honorable Mr. Papineau, and Mr. Drummond, do compose the said Committee.

MR. DRUMMOND,¹¹⁶ on behalf of the Government, ... took up the list of orders of the day, and intimated the measures which it was inclined to allow to be proceeded with, and those which it was not¹¹⁷.

In consequence of this a large number of measures before the House were withdrawn by their movers.¹¹⁸

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Canada Life
Assurance
Company Bill.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Canada Life Assurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Western Tele-
graph Company
Bill.

Ordered, That Mr. Wilson have leave to bring in a Bill to incorporate "The Western Telegraph Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.

Dundas Incor-
poration Bill.

Ordered, That Mr. Wetenhall have leave to bring in a Bill to amend the Act, intituled, "An Act to incorporate the Town of Dundas."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Osgoode
Township Bill.

Ordered, That Mr. Malloch have leave to bring in a Bill to exempt certain Concessions of the Township of

Osgoode from the operation of the Act therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Canada Marine Assurance Company Bill.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to incorporate the Canada Marine Assurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

King's Bench Judgments Bill (L.C.)

Ordered, That Mr. Lemieux have leave to bring in a Bill to render executory certain judgments rendered by the late Courts of King's Bench for Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.

Mosa Taxes Collection Bill.

Ordered, That Mr. Notman have leave to bring in a Bill to provide for the collection of the taxes for the year 1845, in the Township of Mosa, in the London

District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.

Toronto Athenaeum Bill.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to incorporate the Toronto Athenaeum.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Quebec Institut Canadien Bill.

Ordered, That Mr. Chauveau have leave to bring in a Bill to incorporate the "Institut Canadien de Québec."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.

SIR A. MACNAB¹¹⁹ ((moved that)) the name of Mr. Robinson ((be)) ... added to this Committee ((on Railways.))¹²⁰

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Railways Lines.

Ordered, That the Honorable Mr. Robinson be added to the Standing Committee on Railways and Telegraph

Flour and Meal Act.

The Honorable Mr. Cameron, from the Committee of the whole House to consider the expediency of amending the Act 4 and 5 Vic. c. 89, providing for the inspection of Flour and Meal, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to amend the Act of the 4 and 5 Vic. c. 89, by reducing to the sum of one penny the fee of inspection to be paid

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to the Inspector for each barrel of Flour and Meal by him inspected, as provided in the twelfth clause of the said Act.

2. Resolved, That it is expedient that Flour of every quality should be of the same standard and quality as in the City of New York, samples of which should be procured by the said Inspector.

3. Resolved, That it is expedient to introduce similar amendments with respect to the inspection of Oatmeal.

The said Resolutions being read a second time, were agreed to.

Flour and
Meal Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to continue and amend the Act for the inspection of Flour and Meal, and to provide for the inspection of Oatmeal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Friday next.

Expiring
Laws Bill.

The Order of the day for the second reading of the Bill to continue for a limited time certain Acts therein mentioned, being read;

MR. HOLMES¹²¹ moved for the second reading of the Bill to continue expiring Laws.¹²²

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

On motion of Mr. Drummond, seconded by Mr. Duchesnay,

Supply.

Ordered, That the Order of the day for the House to resolve itself into a Committee to consider of the Motion made on Tuesday last, That at Supply be granted to Her Majesty, be now read.

And the same was read accordingly.

MR. DRUMMOND¹²³ ... moved that the House resolve itself into a committee on granting Supplies¹²⁴.

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The House then resolved itself into the said Committee.

MR. MORIN retired.¹²⁵

Mr. McFarland was requested to act as Chairman of the Committee.¹²⁶

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Mr. M'Farland took the Chair of the Committee;¹²⁷

MR. DRUMMOND moved, seconded by MR. HOLMES, "That the House grant the Supplies to Her Majesty."¹²⁸

The motion was carried through.¹²⁹

MR. DRUMMOND, in advancing his Supply Bill ... took occasion to say that he would move (in a few minutes after) that the House adjourn, to enable the majority to come to a definite arrangement as to the rising of Parliament.¹³⁰

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. M'Farland reported, That the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

On motion of Mr. Drummond, seconded by Mr. Morrison,

Three Rivers
Election.

Resolved, That leave be granted to withdraw the Petition of Pierre Benjamin Dumoulin, of the Town of Three Rivers, Esquire, Advocate, complaining of the illegal and partial conduct of James Dickson, Esquire, the Returning Officer for the Election of a Member to represent the said Town in this Parliament, and praying an investigation in the premises.

And the said Petition was withdrawn.

Jurors Bill,
(L.C.)

The Order of the day for the second reading of the Bill to remove doubts as to the time from which the provisions of the Act regulating the summoning of Jurors in Lower Canada, were intended to have force and effect, being read;

MR. H. SHERWOOD moved for the second reading of the Bill to remove doubts respecting the provisions of the Jury Act of Lower Canada.¹³¹

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The Bill was accordingly read a second time; and ordered to be engrossed.

On motion of the Honorable Mr. Badgley,¹³² seconded by the Honorable Mr. Macdonald,

Ordered, That the engrossed Bill to remove doubts as to the time from which the provisions of the Act regulating the summoning of Jurors in Lower Canada, were intended to have force and effect, be now read the third time; and that the Rules of this House be suspended as to the present Bill.

An engrossed Bill to remove doubts as to the time from which the provisions of the Act regulating the summoning of Jurors in Lower Canada, were intended to have force and effect, was then read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

SIR A. MACNAB¹³³ inquired of the gentleman who represented the Government whether¹³⁴ it was really the intention of the Government to prorogue the House, or only to adjourn for a short period; and if to prorogue, when?¹³⁵

MR. DRUMMOND stated it was the intention of Ministers to prorogue, not to adjourn, the Parliament,¹³⁶ in a few days,¹³⁷ as early as possible¹³⁸. He could not state the precise day.¹³⁹

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Orders
deferred.

Ordered, That the remaining Orders of the day be
postponed until to-morrow.

Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Drummond,
The House adjourned.¹⁴⁰

FOOTNOTES: 15 MARCH 1848.

1. LA MINERVE, 20 March 1848, commented: "Les débats de ce jour ne roulent que sur des sujets d'importance mineure et déjà rebattus."
2. HAMILTON SPECTATOR, 25 March 1848, reported the seconder as Mr. Merritt.
3. The debate on this matter was reported by: LA MINERVE, 20 March 1848; GLOBE, 25 March 1848; MONTREAL GAZETTE, 17 March 1848; PILOT, 18 March 1848; HAMILTON SPECTATOR, 18 March 1848, BRITISH COLONIST, 17 March 1848, and MORNING CHRONICLE, 17 March 1848, in identical accounts; MONTREAL HERALD, BRITISH WHIG, 25 March 1848, and HAMILTON SPECTATOR, 25 March 1848, in identical accounts, acknowledging the MONTREAL HERALD as their source. MONTREAL TRANSCRIPT, 18 March 1848, summarized the debate. The TRANSCRIPT reported: "On entering the Reporter's Box, on Wednesday night, we found the House engaged in an animated discussion respecting a petition from certain inhabitants of Niagara district". GLOBE, 25 March 1848, described it as a "very amusing debate" and noted that the House spent "several hours on the subject".
4. MONTREAL GAZETTE, 17 March 1848.
5. HAMILTON SPECTATOR, 25 March 1848.
6. MONTREAL GAZETTE, 17 March 1848.
7. PILOT, 18 March 1848.
8. MONTREAL GAZETTE, 17 March 1848.
9. PILOT, 18 March 1848.
10. MONTREAL GAZETTE, 17 March 1848.
11. PILOT, 18 March 1848.
12. HAMILTON SPECTATOR, 25 March 1848.
13. MONTREAL GAZETTE, 17 March 1848.
14. HAMILTON SPECTATOR, 25 March 1848.
15. MONTREAL GAZETTE, 17 March 1848.
16. HAMILTON SPECTATOR, 25 March 1848.
17. MONTREAL GAZETTE, 17 March 1848.
18. PILOT, 18 March 1848.
19. MONTREAL GAZETTE, 17 March 1848.
20. HAMILTON SPECTATOR, 25 March 1848.
21. MONTREAL GAZETTE, 17 March 1848.
22. HAMILTON SPECTATOR, 25 March 1848.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. GLOBE, 25 March 1848.
36. HAMILTON SPECTATOR, 25 March 1848.

37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. The debate on this matter was reported by: GLOBE, 25 March 1848; MONTREAL TRANSCRIPT, 18 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts; and HAMILTON SPECTATOR, 25 March 1848, in an account copied from MONTREAL HERALD.
49. GLOBE, 25 March 1848.
50. MONTREAL TRANSCRIPT, 18 March 1848.
51. GLOBE, 25 March 1848.
52. IBID.
53. HAMILTON SPECTATOR, 25 March 1848.
54. GLOBE, 25 March 1848.
55. IBID.
56. HAMILTON SPECTATOR, 25 March 1848.
57. GLOBE, 25 March 1848, referred to "Lord Russel".
58. HAMILTON SPECTATOR, 25 March 1848.
59. IBID.
60. IBID.
61. IBID.
62. GLOBE, 25 March 1848.
63. HAMILTON SPECTATOR, 25 March 1848.
64. IBID.
65. GLOBE, 25 March 1848.
66. HAMILTON SPECTATOR, 25 March 1848.
67. GLOBE, 25 March 1848.
68. IBID.
69. HAMILTON SPECTATOR, 25 March 1848.
70. MONTREAL TRANSCRIPT, 18 March 1848.
71. The debate on this matter was reported by: MORNING CHRONICLE, 17 March 1848; and LA MINERVE, 16 March 1848.
72. MORNING CHRONICLE, 17 March 1848.
73. IBID.
74. The debate on this matter was reported by: PILOT, 21 March 1848; GLOBE, 25 March 1848; MONTREAL TRANSCRIPT, 18 March 1848; MONTREAL GAZETTE, 17 March 1848; HAMILTON SPECTATOR, 25 March 1848, in an account copied from MONTREAL HERALD. LA MINERVE, 20 March 1848, noted the debate.
75. MONTREAL GAZETTE, 17 March 1848.
76. PILOT, 21 March 1848.
77. MONTREAL TRANSCRIPT, 18 March 1848.
78. MONTREAL GAZETTE, 17 March 1848.
79. PILOT, 21 March 1848.

80. IBID.
81. MONTREAL GAZETTE, 17 March 1848.
82. PILOT, 21 March 1848.
83. HAMILTON SPECTATOR, 25 March 1848.
84. MONTREAL GAZETTE, 17 March 1848.
85. PILOT, 21 March 1848.
86. IBID.
87. IBID.
88. HAMILTON SPECTATOR, 25 March 1848.
89. PILOT, 21 March 1848.
90. MONTREAL GAZETTE, 17 March 1848.
91. PILOT, 21 March 1848.
92. MONTREAL GAZETTE, 17 March 1848.
93. PILOT, 21 March 1848.
94. MONTREAL GAZETTE, 17 March 1848.
95. PILOT, 21 March 1848.
96. MONTREAL GAZETTE, 17 March 1848.
97. PILOT, 21 March 1848.
98. IBID.
99. IBID.
100. MONTREAL GAZETTE, 17 March 1848.
101. PILOT, 21 March 1848.
102. MONTREAL TRANSCRIPT, 18 March 1848.
103. MONTREAL GAZETTE, 17 March 1848.
104. PILOT, 21 March 1848.
105. MONTREAL GAZETTE, 17 March 1848.
106. PILOT, 21 March 1848.
107. MONTREAL GAZETTE, 17 March 1848.
108. PILOT, 21 March 1848.
109. IBID.
110. MONTREAL GAZETTE, 17 March 1848.
111. PILOT, 21 March 1848.
112. IBID.
113. IBID.
114. IBID.
115. IBID., which noted that the motion was carried unanimously.
116. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 18 March 1848; and HAMILTON SPECTATOR, 25 March 1848, in an account copied from MONTREAL HERALD.
117. HAMILTON SPECTATOR, 25 March 1848.
118. IBID.
119. The debate on this matter was reported by: PILOT, 21 March 1848; and GLOBE, 25 March 1848.
120. PILOT, 21 March 1848.
121. The debate on this matter was reported by: PILOT, 21 March 1848; and MONTREAL TRANSCRIPT, 18 March 1848.
122. MONTREAL TRANSCRIPT, 18 March 1848.
123. The debate on this matter was reported by: PILOT, 21 March 1848, and PACKET, 31 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 18 March 1848; GLOBE, 25 March 1848; and HAMILTON SPECTATOR, 25 March 1848, copied from MONTREAL HERALD.

124. MONTREAL TRANSCRIPT, 18 March 1848.
125. IBID.
126. IBID.
127. PILOT, 21 March 1848, mistakenly reported that Mr. Drummond took the Chair.
128. PILOT, 21 March 1848.
129. IBID.
130. GLOBE, 25 March 1848.
131. MONTREAL TRANSCRIPT, 18 March 1848.
132. IBID., which noted that it was Henry Sherwood who made this motion.
133. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 18 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts; PILOT, 21 March 1848, and PACKET, 31 March 1848, in identical accounts; MONTREAL GAZETTE, 17 March 1848, and ST. CATHARINES JOURNAL, 23 March 1848, in identical accounts; and HAMILTON SPECTATOR, 25 March 1848, in an account copied from MONTREAL HERALD.
134. PILOT, 21 March 1848.
135. MONTREAL TRANSCRIPT, 18 March 1848.
136. MONTREAL GAZETTE, 17 March 1848.
137. PILOT, 21 March 1848.
138. MONTREAL TRANSCRIPT, 18 March 1848.
139. PILOT, 21 March 1848.
140. A discrepancy occurred in reports on the time of adjournment of this day. LA MINERVE, 16 March 1848, and L'AVENIR, 17 March 1848, gave the time as "7½ heures." The GLOBE, 25 March 1848, noted that the House "rose about eight". According to BRITISH COLONIST, 17 March 1848, MORNING CHRONICLE, 17 March 1848, and BRITISH WHIG, 18 March 1848, the "House adjourned at 8¼ o'clock", whereas the PILOT, 21 March 1848, gave the time as "half-past eleven o'clock."

THURSDAY, 16 MARCH 1848.¹

4 O'Clock, P.M.

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Oxford Election.

THE hour appointed for taking into consideration the Petition of Peter Carroll, Esquire, a candidate at the late Election for the County of Oxford, complaining of the undue Election of the Honorable Francis Hincks as a Member to represent the said County in this present Parliament, being come;

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Serjeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.

And being returned,--the House was called; and more than thirty Members being present,

Mr. Speaker called upon the Petitioner, his counsel, or agent, to appear at the bar.

Peter Carroll, Esquire, the Petitioner, appeared at the bar in his own behalf.

Mr. Speaker called upon the Honorable Francis Hincks, his counsel, or agent, to appear at the bar.

The Honorable Francis Hincks appeared at the bar in his own behalf.

The Petitioner presented a paper, containing the name of a Witness in his behalf, which was read by the Clerk, as followeth:--

Witness on behalf of the Petitioner:--

George Brown, Esquire.

The Honorable Francis Hincks presented a paper, containing the name of a Witness in his behalf, which was read by the Clerk, as followeth:--

Witness in behalf of the Honorable Francis Hincks:--

George Brown, Esquire.

Mr. Speaker then desired the Serjeant at Arms to lock the doors.

And the doors being locked accordingly; and the Order of the day for taking into consideration the said Petition being read, the attestation of Mr. Speaker was taken from off the box in which agreeably to the Statute, the names of all the Members of the House were sealed up; and the same was read by the Clerk, as followeth:--

I attest that this box was, on Wednesday, the fifteenth day of March, 1848, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, 'An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more

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effectual provision for such trials."

A. N. Morin,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him; as followeth:--

I attest that I did, on Wednesday, the fifteenth day of March, 1848, in the presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. Lindsay,
Clerk Assembly.

The names of all the Members were then taken out the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner; and the following names were drawn, to which no objection was taken:--

- | | |
|------------------------------|-----------------------------------|
| 1 <u>Sauvageau,</u> | 13 <u>Beaubien,</u> |
| 2 <u>Christie,</u> | 14 <u>Chabot,</u> |
| 3 <u>Bell,</u> | 15 <u>Scott of TWO MOUNTAINS,</u> |
| 4 <u>Thompson,</u> | 16 <u>Bouthillier,</u> |
| 5 <u>Laurin,</u> | 17 <u>DeWitt,</u> |
| 6 <u>Smith of FRONTENAC,</u> | 18 <u>Macdonald of KINGSTON,</u> |
| 7 <u>Morrison,</u> | 19 <u>Egan,</u> |
| 8 <u>MacNab,</u> | 20 <u>Duchesnay,</u> |
| 9 <u>Armstrong,</u> | 21 <u>Flint,</u> |
| 10 <u>Holmes,</u> | 22 <u>Taché,</u> |
| 11 <u>Fourquin,</u> | 23 <u>Notman,</u> |
| 12 <u>Guy,</u> | |

Nine other names were drawn and set aside, or excused, as follows:--

One who was excused.

Eight who were absent.

Mr. Prince was chosen Nominee for the Petitioner.

Mr. Drummond was chosen Nominee for the Honorable Francis Hincks.

At half-past four o'clock, P.M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

The forty-one names remaining in the boxes undrawn, were read by the Clerk.

At a quarter to five, P.M., the Clerk of the Select Committee delivered to the Clerk of the House, a List containing the names of the nine Members unstruck, composing the Select Committee, which is as followeth:--

- | | |
|--------------------|-----------------------|
| 1 <u>Bell,</u> | 6 <u>Chabot,</u> |
| 2 <u>Thompson,</u> | 7 <u>Bouthillier,</u> |
| 3 <u>Laurin,</u> | 8 <u>Duchesnay,</u> |
| 4 <u>Morrison,</u> | 9 <u>Taché,</u> |
| 5 <u>Fourquin,</u> | |

Nominee for the Petitioner, Mr. Prince.

Nominee for the Honorable Francis Hincks, Mr. Drummond.

Alfred Patrick,
Clerk of Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. Notman, seconded by Mr. Wetenhall,

Ordered, That the Select Committee appointed to try the merits of the Petition of Peter Carroll, Esquire, a candidate at the late Election for the County of Oxford, complaining of the undue Election of the Honorable Francis Hincks as a Member to represent the said County in this present Parliament, do meet in the Committee Room No. 3, forthwith.

Petitions
brought up.

The following Petitions were severally brought up,
and laid on the table;--

By Mr. Armstrong,--The Petition of the Honorable Barthelemy Joliette, of the Village of Industry, in the District of Montreal.

By Mr. Watts,--The Petition of the Municipal Council of the County of Yamaska (Bridges.)

By Mr. Notman,--The Petition of the Warden and Members of the Municipal Council of the District of London (Municipal Act.)

By Mr. Duchesnay,--The Petition of the Municipal Council of the County of Portneuf.²

By Mr. Holmes,--The Petition of Albert Furniss, on behalf of the City of Toronto Gas Light and Water Company.

By Mr. Hall,--The Petition of G. F. Orde and others, of the District of Colborne (Court of Assize); and the Petition of G. F. Orde and others, of the Town of Peterborough (Act of Incorporation.)

By Mr. Smith of Durham,--The Petition of Elias Burnham, Esquire, and others, Barristers and Attornies at Law, of the Town of Peterborough, in the District of Colborne; and the Petition of Thomas Griffith, Lieutenant Colonel, late commanding the Loyal Rawdon Volunteers.

By the Honorable Mr. Badgley,--The Petition of the Right Reverend the Lord Bishop of Montreal.

By Mr. Laurin,--The Petition of Louis Legendre, Esquire, and others, of the Parish of St. Louis de Lotbinière; and the Petition of J. B. Vachon and others, licensed Cullers for the Port and District of Quebec.

By Mr. Bell,--The Petition of James Shaw and others, of Smith's Falls, in the Township of North Elmsley.

By Mr. Drummond,--The Petition of H. Lyman and others, of the Townships of Granby, Farnham, and Durham.

By Mr. Scott of Two Mountains,--The Petition of the Reverend H. Moreau and others, of St. Martin and other Parishes, in the County of Terrebonne, and of St. Eustache and other places, in the County of Two Mountains; the Petition of the Reverend H. Moreau and others; the Petition of J. B. Meloche and others, of the Parish of St. Augustin; the Petition of Hyacinthe St. Germain and others, of the Parish of St. Eustache; and the Petition of the Reverend A. Groux and others, of the Parish of St. Benoit.

On motion of Mr. Chabot, seconded by Mr. Drummond,

Three Rivers
Election.

Resolved, That leave be granted to withdraw the Petition of Antoine Polette, of the Town of Three Rivers, representing that in consequence of violence at the late Election of a Member to serve in Parliament for the said Town, no return

was made, that P. B. Dumoulin, Esquire, who was opposed to him, as a candidate, was disqualified in consequence of holding office of emolument under the Crown, and praying that the Petitioner may be declared duly elected to represent the said Town.

Resolved, That leave be granted to withdraw the Petition of Pierre Vezina, Esquire, and others, Electors of the Town of Three Rivers, complaining of the Return made by the Returning Officer at the late Election for the said Town of Three Rivers.

And the said Petitions were withdrawn.

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Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Daniel M. Gilkison and others, of the Town of Brantford and other places, in the District of Gore; praying an Act of incorporation to enable them to construct a Plank, macadamized, or gravel Road from Brantford to Paris.

Of the Niagara Falls Suspension Bridge Company; praying for certain amendments to their Act of Incorporation.

Of the Reverend P. Patry and others, of the Parish of St. Stanislas, in the County of Champlain; praying aid to construct a Road from Kapiboucheke to the Parish of St. Stanislas.

Of Samuel Penfold and others, of the County of Waterloo; praying that the Election Law may be so amended as that all the votes may be taken of Electors in those Electoral divisions which contain a very great number of voters.

Petition of
Niagara Muni-
cipal Council,
and

Resolved, That the Petition of the Municipal Council of the District of Niagara, (District Town) be referred to a Select Committee, composed of Mr. M'Farland, Mr. Thompson, Mr. Notman, Mr. Cauchon, and Mr. Drummond, to examine the contents thereof,

and to report thereon from time to time; with power to send for persons, papers, and records.

Of Niagara Fall's
Suspension Bridge
Company, referred.

Resolved, That the Petition of the Niagara Falls Suspension Bridge Company be referred to a Select Committee, composed of Mr. Merritt, Mr. Thompson, Mr.

M'Farland, Sir Allan N. MacNab, and the Honorable Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Richards, seconded by Mr. Holmes,

Kent Writ.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new

Writ for the Election of one Member to serve in the present Provincial Parliament for the County of Kent, in the room and place of the Honorable Malcolm Cameron, Esquire, who, since his Election, hath accepted the Office of Assistant Commissioner of Public Works in this Province.

On motion of Mr. Wilson, seconded by Sir Allan N. MacNab,

Bonaventure
Election.

Ordered, That the Select Committee appointed to enquire as to whether the Seals of the Justice of the Peace, and of the Judge, affixed to the Certificates attached to the Petition against the sitting Member for the County of Bonaventure were, or either of them, affixed to the said Certificates before or since the Petition was presented to the House, have power to report from time to time.

Mr. Wilson then presented to the House the First Report of the said Committee, which was again read at the Clerk's table; and is as followeth:--

Your Committee have partially proceeded in the investigation of the matter referred to them, and have examined all the evidence at present within their reach, but cannot finally report until they have had reference to a party whose residence is in the District of Gaspé.

MR. CAUCHON³ moved that Messrs. Armstrong and McFarland be added to the Railway Committee.⁴

MR. BOULTON ((seconded the motion.))⁵

SIR A. MACNAB would not oppose the motion; but the Committee was already so large that he did not like the idea of having more added. There were already twelve names on it, which were certainly sufficient.⁶

(51)

Railways and
Telegraph Lines.

Ordered, That Mr. M'Farland and Mr. Armstrong be added to the Standing Committee on Railways and Telegraph Lines.

MR. MCFARLAND would propose an addition of two members to the present Committee, as parts of the country were unrepresented.⁷ ((He)) moved, seconded by MR. CAUCHON, that the names of Messrs. Thompson and Duchesnay be also added.⁸

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Mr. M'Farland moved, seconded by Mr. Cauchon, and the Question being put, That Mr. Thompson and Mr. Duchesnay be added to the Standing Committee on Railways and Telegraph Lines.

MR. MERRITT thought if this motion would be proceeded with, the whole thing would become ridiculous.⁹

DR. DAVIGNON moved as an amendment to Mr. McFarland's motion, that four more be appointed on the Committee.¹⁰

SIR A. MACNAB ... most strenuously opposed any further addition to it, as contrary to parliamentary usage, and only calculated to quash the effects of the committee to proceed with their most important public works.¹¹ ((He)) said the Committee was already too large to work,¹² it was already the largest committee he had ever seen or heard of¹³, and to-day several members of it did not attend, and it would be impossible if augmented, to obtain a working majority¹⁴. He hoped that the reporters would do justice to this discussion and that it might go forth to the country. The end of increasing the committee to the number desired, would be that half the members would absent themselves or be engaged on other committees, and for the want of a quorum the committee could not proceed to business. Every

sensible man must be aware that the completion of the Portland railroad was one of the most important measures that could be brought before the parliament this session.¹⁵ It was evident that the intention was to prevent the Committee from reporting at all; for it was at present as fairly constituted as it could be.¹⁶ Every justice had been done in the selection of the Committee to the different portions of the country. Whoever heard of a Committee of sixteen being appointed for any matter? Whoever heard of hon. gentlemen getting up one after the other to add two names to a Committee?¹⁷ But he supposed it was done on the principle laid down by the present majority, of one member backing another, and thus, with their immense majority carrying everything:--¹⁸

Tickle me, Toby,
Tickle me do,
If you tickle me,
I'll tickle you.--(Much laughter.)¹⁹

And as this was an absurd motion, he would object to it, and read Parliamentary precedents to show he was right. This House ought to be guided by precedents of the House of Commons, which were intended as some safeguard against the opposition of the minority by the majority.²⁰ The opposition had no desire to throw obstacles in the way of the government, but if their rights were thus trampled on by a violation of all British Parliamentary practice--they would find that they had it in their power to give them great trouble.²¹ The House only consisted of eighty-four members, and out of those, twelve were Ministers of the Crown.²²

MR. CAUCHON.--They are not in the House now.²³

SIR A. MACNAB.--No; but the hon. member for Montmorency and the hon. member for Shefford represented half a dozen each.--(Laughter.) There must be some object in wanting to make these additions; but the hon. gentlemen had not stated what that object was.²⁴

MR. DRUMMOND said that the reason the addition of these names had been moved was, because it was highly desirable that each locality should be represented.²⁵

SIR A. MACNAB.--Then you may take the whole House. (Hear, hear.)²⁶

MR. DRUMMOND.--The hon. members had come forward with these motions because they wished their districts to be properly represented in the Committee.²⁷

MR. WATTS reminded the hon. and gallant knight that the Education Committee of 1841 was much larger than sixteen. For his part, if this motion passed, he thought he should move to add two more names. (Much laughter.)²⁸

SIR A. MACNAB objected to the motion being put, as no notice of it had been given. The rule of the House of Commons on this subject was, that "an unopposed motion can be brought in by the consent of the House, without any previous notice; but if any member should object, it cannot be passed."²⁹

MR. CAUCHON said that the rule might be very good for England, but they had their own practice here. He had been in Parliament four sessions, and additions to committees had always been made without previous notice; he was for following their own practice now.³⁰

SIR A. MACNAB.--The rule of this House was, that in all undecided cases, they should refer to the practice of the House of Commons. (Hear, hear.)³¹

MR. MACDONALD had never before seen an objection like this raised, although times (sic) and again they had added members to committees without previous notice. (Hear, hear.)³²

SIR A. MACNAB had never made any factious opposition to the majority; but it was plain that the object of this notice was to destroy the Committee; he would therefore avail himself of the rules of the House, and called upon the Speaker to support him if he was right.³³

MR. CAUCHON said that if the Committee had been properly formed at first by the House, and not the mover, there would have been none of this trouble.³⁴ ((He)) would vote for the increase to the Committee, as the country was partially represented on the present one.³⁵

MR. MORIN said that the practice of this House had been to add members to committees without notice, and he would follow that practice now, if the House allowed him. (Hear, hear.)³⁶

MR. CHAUVEAU.--(who spoke in English ...) ³⁷ objected to the motion.³⁸ He hoped the motion would not pass.³⁹ ((He)) would vote against the increase to the Committee.⁴⁰ He thought the Committee was as fairly composed as could be. (Hear, hear.)⁴¹ ((It)) was selected in the most impartial manner⁴². One member had been added to the Committee from each section of the Province, and he did not think further additions would add to its utility.⁴³ To add more names would only prevent it from doing any good.⁴⁴ He hoped therefore that the hon. member would not press the motion. If the Government were opposed to the Committee, why, let them prevent their reporting.⁴⁵

MR. DRUMMOND said the motions did not proceed from him, and he was not answerable for them: the hon. member for Quebec was quite mistaken if he supposed that they proceeded from him.⁴⁶

MR. H. SHERWOOD (Toronto) thought that when this Committee was appointed was the time to have opposed it. It was known that the incarnation of the Ministry on the opposite side had opposed the appointment of the Committee, but a majority of the House had chosen to do it: that was the state of the case, and it was clear to his mind that this proceeding was to prevent the Committee progressing in any manner whatever for the purpose of giving facilities to the carrying out of these great and important works, for a more impartial selection could not have been made in this Committee.⁴⁷ ((He)) thought it was evident the proceedings of the majority would prevent the Railway Committee carrying out the great ends they had in view;⁴⁸ ((for)) if this house chose to continue thus adding to the Committee, the effect would be, as the country would know, to prevent the public works in which so very great an interest was felt, from proceeding.⁴⁹ Adding to the Committee would prevent its working, and injure the country.⁵⁰ It was well known that the more names there were on a Committee the less work they would do.⁵¹ He trusted the majority would let the Committee go on and report; they were not bound to carry out his views, but he would wish for a beginning⁵². If they clogged it, they would destroy in an indirect way the usefulness of a Committee which might be of benefit to both Provinces. When their report came

before the House, the House would have power to resist it or not, according as they thought that the suggestions in it could be adopted or not. He believed this to be the object of the motion, and therefore he would resist the appointment of any other persons to the Committee excepting those admitted to be necessary to assist in its investigation. He knew his hon. friend opposite who had the responsibility of the Ministers on his shoulders, and it was an awful load, objected to this Committee, and he doubted not that he would throw every obstacle in its way.⁵³ ((But)) if they dreamed to see a great system of Railways carried out, they would let the Committee alone. To-day some members, namely Mr. Holmes and others, were absent, which obliged them to adjourn till to-morrow. The Committee was too large to work--and by adding to it they would only injure it, as with an addition they could not divide, and thus they would have the proposed Railways in a state both unfavourable and disgraceful to the country.⁵⁴

SIR A. MACNAB read the rules of Parliament with regard to the election of committees⁵⁵ showing that to increase a committee notice must be given⁵⁶, ((and also showing)) that they should not consist of more than fifteen members, and that was in the House of Commons, where there were between six and seven hundred members, and the majority of members appointed should form a quorum. Now, the hon. gentlemen opposite had nothing to do but to appoint so many members that it would be impossible to get a quorum, and thus the business would be knocked on the head.⁵⁷ His side of the House had offered a factious opposition to the Government, but if every motion originating on his side of the House was to be put down by the large majority, forbearance on their part would be at an end.⁵⁸ He thought that the gentlemen opposite would find that the minority could do what they had not done hitherto, and give them as much trouble as they gave the minority.--(Derisive cries of "Hear, hear.")⁵⁹

COL. PRINCE happened to be one of the Committee on Railways, and would like to see the hon. member for Welland added to the Committee, but could not agree to putting all interested in Railways on the Committee;⁶⁰ ((he)) thought that if every one whose constituents were interested in any railroad was put on the Committee, it would include the whole House (hear, hear.)⁶¹ ((He)) said he would vote for the measure--not that he agreed with hon. members that an increase of committee was necessary, he thought the present committee sufficient for all useful purposes--but he would not oppose it because he thought it should go forth to the country that this liberal parliament⁶², this wonderful protector of the rights and privileges of the people, should be the very first to throw obstacles in the way of⁶³ all progress, and particularly this, the most important of all public improvements for industry and unity. He maintained the Committee could not have been better chosen, but under the protest he had made he would vote for the addition.⁶⁴ He would ... vote for this and for other similar motions,⁶⁵ he would vote to add ten other names to the committee, because it would help to convince the people of that which he believed the greater part were already convinced--that the present Parliament had no desire to forward the public improvement of the country, one proof of which was their unjustifiable, unwarrantable, unparliamentary proceeding, in proroguing the present Parliament before it had done one atom of good to the country at large: it would serve to convince the people that with all their professions of liberality, they had neither⁶⁶

the desire, the means or the ability to carry on the business of the country.⁶⁷

(51)

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Beaubien, Bouthillier, Cauchon, Chabot, Davignon, DeWitt, Drummond, Fortier, Fournier, Fourquin, Guillet, Hall, Laterrière, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis, M'Farland, Mongenais, Morrison, Nelson, Notman, Papineau, Prince, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Watts.--(32.)

NAYS.

Messieurs Badgley, Bell, Cayley, Chauveau, Christie, Crisler, Cuthbert, Gagy, Macdonald of KINGSTON, Sir Allan N. MacNab, M'Connell, M'Lean, Merritt, Robinson, Sherwood of BROCKVILLE, Sherwood of TORONTO, Webster, Wetenhall, and Wilson.--(19.)

The names having been called, it appeared that Messrs. Holmes and Jobin had not voted.⁶⁸

MR. HOLMES being called on, said that after the remarks of the hon. member for Essex, he should vote for the ayes.⁶⁹

MR. JOBIN did the same.⁷⁰

(51)

So it was carried in the Affirmative.

Ordered, That Mr. Thompson and Mr. Duchesnay be added to the Standing Committee on Railways and Telegraph Lines.

Mr. Davignon moved, seconded by Mr. Lemieux, That Mr. Cauchon, Mr. Mongenais, Mr. Beaubien, and Mr. Watts, be added to the Standing Committee on Railways and Telegraph Lines.

Roars of laughter.⁷¹

MR. WATTS intimated his intention to move for ... two others.⁷²

SIR A. MACNAB had little more to say; but he hoped⁷³ that at all events⁷⁴ the Reporters in this House would do the minority justice, and show the people of this country the intention of the majority in this most un-parliamentary proceeding⁷⁵. He hoped that it would go forth to the country who it was who, by this unusual and unparliamentary course, had smothered the proceedings of the Committee. (Hear, hear.) He did not believe that the constituents of the hon. member for Middlesex would quite approve of his making a Committee of twenty when the rules of the House on no occasion allowed a larger number than sixteen. (Hear, hear.) This was the first time in his parliamentary career that he had ever seen a measure destroyed by such an indirect and unparliamentary course as had been pursued on the present occasion. (Hear, hear.) He regretted it: he was sorry for it. He did not think that the gentlemen opposite had anything to complain of in the manner in which the minority had offered their opposition. (Hear, hear.) He did not think they could call it

faction: but if they thought that, they could justify this course to the country why they must pursue it. He left it for the country to say why this proceeding had taken place. He asked the hon. gentlemen opposite if this was a fair mode of proceeding? He put it to them, was it a correct mode of proceeding?⁷⁶ They could not justify themselves for their conduct before the country and as the Speaker had decided we are not bound to follow the proceedings of the House of Commons, he would ask if the Committee had not been fairly struck and equally divided?⁷⁷ What fault could they find with the way in which the Committee was struck? Was not one half from Upper and one half from Lower Canada?--was not one half of it from one side of the House and the other half from the other? He asked the hon. member for Middlesex if his constituents were not⁷⁸ as much interested in the completion of the Grand Western Railway as any other parties?⁷⁹ He asked the hon. member for Montreal if⁸⁰ every sensible man in Montreal⁸¹ were not, above all things, interested in the Portland Railway--if they did not feel that it was as important a measure as their representative could attend to?⁸² ((He)) thought the people of Montreal felt that the completion of the Portland Railroad was the most important work that could be done to benefit their city⁸³. Why then should the majority attempt thus to smother an inquiry, merely because it was set on foot by a person not in the majority of the House?⁸⁴ He warned the Government that they would pay up for this--that the opposition were disposed to cause them as little embarrassment as possible; but, that if this was to be the order of things, they might look out.⁸⁵ They must take a lesson from this: forbearance must not hereafter be expected from them on that side of the House⁸⁶ as all measures emanating from the minority were, he plainly saw, to be damned.⁸⁷ He could give the hon. gentlemen opposite as much trouble as they could give him: and if the minority turned over a new leaf, let this proceeding be remembered. (Loud cries of "Hear, hear.")⁸⁸

MR. J. S. MACDONALD thought the addition to the Committee was on account of the great interest felt by the House on Railways.⁸⁹ ((He)) thought that this was a matter of vast importance to the whole Province, and that members who took an interest in the matter had a right to be added to the Committee. (Hear, hear.)--Why not have as many on this Committee as they had on the School Committee of 1841? Was that precedent unparliamentary? Why did not the hon. and gallant knight raise his voice then? (Hear, hear.) It ought to be a matter of great satisfaction to the hon. and gallant knight that they on that side of the House were damaging themselves with the country; for the sooner they did it, the sooner would he and his friends regain the seats which they had lost. (Hear, hear.) But he opined it would be a long time yet. (Cheers.)⁹⁰

MR. NOTMAN had given and should give no vote in that House which he should not at all times and under all circumstances be able to justify. (Hear, hear.) After the vote he had given to-day, he was perfectly prepared to meet his constituents and abide their judgment; and by their judgment he was willing to be guided, rather than by the judgment of the hon. and gallant knight, (hear, hear,) who had presumed to rebuke him (Mr. N.) for the independent vote which he had given. (Cheers.) He had exercised his judgment in every case, and voted for the good of the country and of the great constituency which had sent him there.⁹¹ He said it ill became

Sir Allan to talk of the interest of his (Mr. N.'s) large and influential constituency, when he had markedly omitted his name from a committee in which his constituents were so much interested.⁹² While he (Mr. N.) represented the largest county in⁹³ Upper Canada,⁹⁴ a county, too, through which the intended railroad was to pass;--while his constituents, whose interests he was here to defend, were deeply interested in this matter--the gallant knight had not had the courtesy, the respect, towards that constituency to add his name to the Committee. He had been excluded from it, and excluded for reasons best known to the hon. and gallant knight.--He had thought that when the Committee was struck, that his name might have been on it; and seeing that the name of the hon. member for London was there, he wanted to know what disqualified him from being there too. (Hear, hear.)⁹⁵ He was in favor as much as anyone of the Great Western Railway, but he wished to see all interests represented on so important a committee.⁹⁶ The hon. and gallant knight had named the Committee to suit his own purposes, and had risen with a display of temper and feeling which was unbecoming one who had been so long in Parliament, and had filled the dignified position of Speaker. They might have expected from him, if from any man, sobriety and good taste, rather than to rise and assail any member of this House who chose fearlessly to perform his duty.--(Cheers.) He had told them that they need expect no further forbearances from that side of the House. Forbearance! Were they to be bearded with language like that?--were they to be told that because they chose to discharge their duty fearlessly, that they were to be visited with a termination of the "forbearance" of the ministry? (Cheers.) It was monstrous; and he charged the hon. gentleman with having some other object in view--some other interest at heart--rather than the welfare of their common country. Whilst he had a seat in that House, he would not sit quietly and allow aspersions to be cast on his conduct or votes--(hear, hear.) While he had the honour of representing the great constituency which he did, he should express himself even with the forbearance of the hon. and gallant knight, and he was satisfied that he would be happy to go back to the county of Middlesex, and to be placed side by side with the gallant knight, to await the decision of the electors. (Cheers.)⁹⁷ He was not afraid of the hon. gentleman's influence in Middlesex, and would be happy to have him as an opponent--he meant to do his duty, and had no fear of satisfying his constituents.⁹⁸

SIR A. MACNAB rose to cries of "spoke" and "question."⁹⁹ This hon. gentleman said he would be happy to run side by side with me¹⁰⁰ and bow to the decision of his constituents¹⁰¹. He tried it once, and came off second best. (Laughter.) I did not cast any aspersions on the hon. gentleman, but he has upon me. He says that I am activated by some other motives than the desire of carrying out this great undertaking: he has not condescended to say what these motives are. Perhaps the hon. gentleman¹⁰² would like me to sit down while he states¹⁰³ what these motives are. I don't think he had any right to arraign my motives. I call it a breach of the privileges of the House.¹⁰⁴

MR. NOTMAN.--What I meant to say was, that from the conduct of the hon. gentleman, I had a right to assume that he had some other motive.¹⁰⁵

SIR A. MACNAB.--Well, that's a kind of explanation I don't understand; but if he means to say that I am advancing opinions which are not my own, and am dissembling why it's something which were I to call it by its proper name would not be parliamentary and might displease the hon. gentleman, so I'll not do it. Does the hon. member cast any aspersions on the gentlemen named on the Committee? No; he can't do it. I believe the hon. gentlemen opposite are acting under a wrong motive, and hope to quash the proceedings of this Committee, and keep it off till the House is prorogued, and the hon. gentleman opposite will have an opportunity of telling his constituents that he assisted to make the Committee so large that it could not work. After all, the grand complaint of the hon. member is a younger man than the hon. member for London,¹⁰⁶ Mr. Wilson,¹⁰⁷ who has, perhaps, as much of the good will of the people of Middlesex as any man in it; and I think if he had been his opponent, the hon. member for Middlesex might not have been here on this occasion. I selected a gentleman who has lived in the county for years, while¹⁰⁸ he ((Sir Allan)) believed ... ((Mr. Notman)) did not know much of the county represented,¹⁰⁹ ((and)) was never known ((there))¹¹⁰, as, if he remembered right, he was put in that constituency by an active Reform Association.¹¹¹ I have selected a gentleman who represents the county quite as much as the hon. member¹¹² ((and)) not out of disrespect for the hon. member for Middlesex, but in consequence of Mr. Wilson's greater experience.¹¹³ The hon. member concluded by reading the names of the Committee, to show the impartiality with which they had been selected.¹¹⁴

MR. PAPINEAU ... spoke in French¹¹⁵. ((He)) said he would vote against the motion¹¹⁶. ((He)) thought the Committee was large enough, if it was really intended it should work; but he thought they ought first to ascertain the state of the funds of the Province, as he believed the Province was greatly in debt and the warrants for the payment of the Salaries of Officials were not all paid¹¹⁷. The resources of the country were not now in a state to carry out great public works.¹¹⁸ The truth was, ... that if it were intended to recommend new enterprises, the country¹¹⁹ through the measures of the late administration,¹²⁰ was too much in debt, to undertake them rashly. This was evident from the want of result to the late mission of one of the ex ministers in England, where he had failed to procure funds even from the government, which was most bound to furnish them. It was therefore, he thought, desirable to add a few new members to the original committee, in order to fix its attention on those regulations which he thought the proper subject of their consideration; such as the moderation of fares, the conduct of the people engaged upon them, the speed of the trains, and so forth. If more names were added, the committee would become impracticable. In the United States they were now abandoning their erroneous system of protection on manufactures, and they would thus be able to sell at a price that would prevent Canada from imposing high duties. As, however, he wished the committee to report, he should vote against the motion, for its further extension, as the abuse of a good thing.¹²¹ He again also alluded to the folly of proroguing the House at a period when the business of the country required so much investigation.¹²²

MR. CHAUVEAU opposed the motion in French.¹²³ ((He)) would vote against the increase of the Committee.¹²⁴

MR. INSP. GEN. CAYLEY rose to reply to the remarks made by the hon. member for St.

Maurice relative to his mission to England, which he was sure he did not wish to impugn¹²⁵. ((He)) allowed the country was in debt, and went last year to obtain a loan for the Government, but ... he could negotiate no loan¹²⁶. He would, ((however)), to prevent erroneous impressions going forth, state that his mission in England had not been unsuccessful.¹²⁷ ((He)) spoke of the benefits which had accrued to Canada from the proceeds of his mission, in consequence of the extension of the loan of £175,000¹²⁸, the difference of exchange between the guarantee given by Great Britain and the sum actually borrowed,¹²⁹ and other measures of importance¹³⁰. The Home Government remitted the Payment of the interest on the three million loan¹³¹ ((and)) consented to waive the payment of the installments due by the colony for four years. The money market was not then in a good condition, and¹³² all foreign securities were below par¹³³. This made the operations of the government drag on slowly; but it had since invested all the money granted by Parliament.¹³⁴ As to the difficulties of the country,¹³⁵ the fact was ... that this load of debt was not created by the last government; but was left them by their predecessors.¹³⁶ ((He)) though((t)) that the committee first struck would have accomplished all that it was necessary for them to accomplish,¹³⁷ he thought ... ((it)) sufficiently large, and would vote against increasing it.¹³⁸

MR. CAUCHON objected altogether to the mode in which this committee had been originally appointed, it ought to have been done by the House. (Hear, hear.)¹³⁹ ((He)) would vote for the increase to the Committee, as the present one only represented particular interests.¹⁴⁰

MR. WATTS would likewise vote for an increase to the Committee. In reference to the Journals hon. members would find that in 1841 the Education Committee was composed of 21 members, when Mr. Sherwood, of Toronto, was in office.¹⁴¹

MR. H. SHERWOOD.--As this was the precedent Parliament, he had no doubt that they would carry this as they had all other measures. As to the allusion of Mr. Watts, he would say he was not in office during Lord Sydenham's Administration.¹⁴²

MR. ARMSTRONG would wish to see men on the Committee not interested in running Railways in particular localities.¹⁴³

MR. DRUMMOND said, that he did not see why insinuations should be thrown out against hon. members on that side of the House, tending to accuse them of desiring to swamp the committee. It was very desirable that members representing large counties through which section of the country any of these proposed railways were to pass should be on the committee. If the Education Committee of 1841 was allowed to be composed of 21 members, he thought that a Committee on Railways generally should be composed of at least an equal number, if not a larger.--(Hear, hear.)¹⁴⁴ ((He would move)) in amendment that the names of Dr. Beaubien and Cauchon be struck out of the motion, and that of Dr. Fortier added. The County of Nicolet and that section of the Country, was not at all represented on the Committee. He therefore proposed to add Dr. Fortier, and retain hon. members for Vaudreuil and St. Francis, who represented sections for the Country much interested in Railways.¹⁴⁵

(51)

Mr. Drummond moved in amendment, seconded by Mr. Nelson, and the Question being put, That the names of Mr. Cauchon and Mr. Beaubien be struck out of the said Motion, and the name of Mr. Fortier be substituted.

MR. RICHARDS called attention of (sic) the fact that there was only one man on the committee, representing a place between Montreal and Toronto.¹⁴⁶

(51)

The House divided; and it passed in the Negative.¹⁴⁷

The Question being then put on the main Motion, the House again divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Bouthillier, Cauchon, Chabot, Davignon, Drummond, Fortier, Fournier, Fourquin, Guillet, Holmes, Jobin, Laterrière, Laurin, Lemieux, Marquis, M'Farland, Mongenais, Morrison, Nelson, Notman, Richards, Sauvageau, Scott of TWO MOUNTAINS, Smith of DURHAM, Taché, Thompson, and Watts.--(28.)

NAYS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Cayley, Chauveau, Christie, Crysler, Cuthbert, DeWitt, Duchesnay, Gugy, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Lean, Merritt, Papineau, Robinson, Seymour, Sherwood of TORONTO, Smith of FRONTENAC, Stevenson, Webster, Wetenhall, and Wilson.--(27.)

MR. H. SHERWOOD made an ... attempt to prevent Mr. Drummond's vote being taken, on the ground that he had left the House in the interval between his own vote being taken and the names being read.¹⁴⁸

MR. MORIN however ruled the vote was good¹⁴⁹.

(51)

So it was carried in the Affirmative.

Ordered, That Mr. Cauchon, Mr. Mongenais, Mr. Beaubien, and Mr. Watts, be added to the Standing Committee on Railways and Telegraph Lines.

MR. WETENHALL moved for a statement of all Patents issued for land in the County of Waterloo between the 1st January 1847, and the 15th January 1848. He stated that in 1841, by a return of the Crown Land Commissioner, there were only 170 male inhabitants in the Owen Sound Townships in the County of West Halton, (now Waterloo), but notwithstanding, over one thousand votes had been polled for Mr. Webster, the Government candidate at the late election.¹⁵⁰

(51)

Crown Land
Patents.

Resolved, That an humble Address be presented to
His Excellency the Governor General, praying that
His Excellency will be pleased to cause to be

laid before this House, a Return of all Patents from the Crown for Lands in the County of Waterloo, between the first day of January, 1847, and the present day; and the names of the persons to whom such Patents were granted; the dates thereof; and the names of the persons by whom the certificates of having performed the settlement duties were signed; and the name of the

of the agent or person to whom the said Patents were entrusted.

Ordered, That Mr. Wetenhall, Mr. Drummond, Mr. Richards, and Mr. Morrison, do present the said Address to His Excellency the Governor General.

(52)

Great Western
Railroad.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be graciously pleased to direct the proper Officer to lay before this House, the Correspondence which has taken place between the Government and the Great Western Railroad Company.

Ordered, That Sir Allan N. MacNab, the Honorable Mr. Macdonald, the Honorable Mr. Badgley, and the Honorable Mr. Robinson, do present the said Address to His Excellency the Governor General.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Robinson,

Railways and
Telegraph Lines.

Ordered, That the Standing Committee on Railways and Telegraph Lines have leave to report from time to time; with power to send for persons, papers, and records.

COL. GUGY¹⁵¹ moved for a select committee¹⁵² ((consisting of Messrs.)) Prince, Jobin, Flint, Drummond, Malloch, Latterière (sic), Gagy¹⁵³, to inquire and report whether any, and if any, what Legislative measures could be adopted to repress the evils growing out of intemperance.¹⁵⁴ Sir A. McNab's name was put on the Committee at first¹⁵⁵. Col. Gagy appealed to Sir Allan MacNab to second the motion.¹⁵⁶

SIR A. MACNAB appealed to the Speaker if it was not unparliamentary to refer a matter to a member, when he was opposed to it.¹⁵⁷ It is not parliamentary to make such a proposal to a member opposed to the motion. (Laughter.)¹⁵⁸

MR. DRUMMOND.--We'll call the hon. gentleman the intemperance member. (Hear, hear, and laughter.)¹⁵⁹

MR. FLINT ... seconded the motion¹⁶⁰.

COL. GUGY was not going to give a temperance lecture, but would submit part of his plan to this House.¹⁶¹ There were vices, he said, which no Legislative measures could reach, if moral restraint could not affect them they could not be reached at all, and intemperance was one; but it was in the power of the Legislature to reduce the number of houses which tempted the population to vice, and this was one of the principal objects he had in view. In the City of Montreal the number of licensed taverns is 305, and it had been ascertained by the police that the number of unlicensed houses was 500, or nearly twice as many as the licensed houses.¹⁶² They were under the control of the Magistrates, subject to be over-ruled by the Executive. The system was a very bad one--indeed it was impossible to effect a cure until it was amended.¹⁶³ ((It led)) to temptations to intoxication, that could not fail to have an evil effect upon the community, and to prove the fruitful source of every imaginable crime.¹⁶⁴ He maintained that one half of the lunatics, two thirds of the crime (sic) and suicides committed, and all the pauperism, were caused by the use of spirits.¹⁶⁵

Three-fourths of the police force might be dispensed with if liquor were not indulged in. The expense of the police was therefore a tax on the community for the benefit of the liquor sellers. Another fact was that the expenditure of the lower classes¹⁶⁶ in grog shops all over the country, was enough to educate¹⁶⁷ all their children--pay for their schooling--the families of those who drank were always sooner or later depraved. Drinking also brought on insanity;¹⁶⁸ and he would place the¹⁶⁹ habitual¹⁷⁰ drunkard under the interdict as the law did the prodigal, and act with drunkards as with lunatics. He would confine the licenses of those tavern keepers only that could show to a visiting police that they had good stabling and good accommodation¹⁷¹. There were various regulations at present existing which no one thought of enforcing, with regard to taverns; now he proposed that all houses of this sort should be put under the supervision of the Chief of the Police--that the supervision should be more complete, and that there should be a gradual diminution of the licenses granted. He would also prevent the subletting of bar-rooms¹⁷² which created, in some grog shops in this city, half-a-dozen vendors of poison under one license, causing the spread of the typhus and the cholera, perhaps, as it is generally expected, and by a strict supervision of taverns,¹⁷³ ((and)) the prevent((ion of)) the adulteration of liquor¹⁷⁴, hinder them from being, as they are now, in many instances, dens of thieves, and receiving houses for stolen goods. He would keep faith with those that have licenses, but he would punish the heads of establishments who sheltered themselves for their misconduct under the assertion that those they employed did it unknown to them. He would show to this House how profitable grog selling was. In a room not larger than twelve by fourteen, and not a gun shot from this House, a man had cleared, in thirteen months, £700. Another, in three years, £5,000, and it appeared to him that these enormous profits told against the morality of the community in which they lived.¹⁷⁵ He would also enforce the penalties against those who sold liquor without a license--the price of the license, £6, was not one third of what it should be--he would greatly augment that. He would also deprive the Executive of the power of reversing the decisions of the Magistrates. Some years ago¹⁷⁶ he was one of seventy¹⁷⁷ Magistrates that were six weeks visiting all the taverns in Montreal¹⁷⁸; ((they)) unanimously determined to reduce the number of public houses,¹⁷⁹ and though they declared one third¹⁸⁰ ((or about)) 50 or 60 of the most notoriously improper persons¹⁸¹ unfit to have licenses, still, as it was on the eve of an Election, the Executive¹⁸² were unprincipled enough to exercise their prerogative and issue licenses to unworthy persons in spite of the bench of Magistrates,¹⁸³ who ought to be independent of the Executive in cases of this kind¹⁸⁴, and their remonstrance. It was well understood that political influence at the election was the cause of this iniquitous proceeding.¹⁸⁵ He would therefore deprive the Executive of this power, and vest it in the hands of perhaps one magistrate.¹⁸⁶ In Country Parishes, Ministers and Magistrates and other officers, ought to decide on the fitness of all applicants for keeping houses of entertainment, while now, on the Parish authorities refusing a license, the Executive can, and often do, grant it.¹⁸⁷ He did not expect to reach the drunkard in his own house, but he proposed to diminish, as much as it was in the power of the law to do, the number of those who were entitled to

traffic in liquor--to make them as much as possible persons of high character--to place them under effectual supervision and control, and to make them subject to severe penalties in case of their disobeying the laws.¹⁸⁸ His only object was moral restraint; if, by that, you cannot hinder man from degrading himself, nothing will.¹⁸⁹ He concluded by moving for the committee.¹⁹⁰

DR. NELSON addressed the House in support of the motion¹⁹¹. ((Il)) est d'accord avec le membre pour Sherbrooke sur la facilité avec laquelle le gouvernement exécutif se rendait au désir de ceux qui demandaient des licences¹⁹². ((He)) corroborated the statement of Colonel Guly that the Government had reversed the decision of the Montréal Magistrates with regard to the granting of licenses in order to subserve election purposes.¹⁹³ Cette pratique a excité beaucoup d'indignation parmi les magistrats.¹⁹⁴ ((He also)) corroborated what fell from Col. Guly as to the unfitness of many tavern-keepers to afford the accommodation required by law.¹⁹⁵

DR. LATERRIERE dit que l'intempérance de langage dont l'hon. membre pour Sherbrooke s'est rendu coupable dans une occasion précédente méritait bien aussi d'être réprimée. S'il ne boit que de l'eau cette intempérance devait être attribuée à son mauvais tempéramment qui pourrait probablement être corrigé par le chloroforme ou le magnétisme aussi bien que par une loi. Les lois répressives ont presque toujours l'effet d'encourager le commerce de contrebande. Cependant il voterait pour un comité d'enquête.¹⁹⁶

MR. WILSON proposed to move an amendment that drunkenness be made an indictable offence.¹⁹⁷ ((He)) condemned the indiscriminate issue of Licenses, and said if drunkenness were a crime, it ought to be made an indictable offence¹⁹⁸ (laughter,) and that the Magistrates should have jurisdiction over cases of intemperance.¹⁹⁹

COL. PRINCE thought this motion ought to be supported ... that it was a very proper motion. Justices in Quarter Sessions assembled ought to be restrained from granting licenses improperly. (Hear, hear.) If he understood the motion aright, it was this, that there should be a committee to inquire into the best mode of restraining intemperance not a motion for the purpose of establishing Temperance Societies; if it were that, he should vote against it. (Laughter.) But as a magistrate of some years practice in the western country, the ultima thule of Canada he must bear his testimony to the fact that there was a vast deal of intemperance occasioned by the facility afforded to Magistrates in Quarter Sessions assembled for granting licenses and enabling parties to establish taverns where they were not wanted.²⁰⁰ He was no friend of drunkenness²⁰¹, he approved of temperance societies ... but he disapproved of their being made the subject of legislation, and he thought that any man who had any command over himself, or respect for his character, might retain that respect²⁰² ((and)) abstain from brutal intoxication²⁰³ without being coerced into it by societies. (Loud cries of hear, hear.) He (Col. P.) was a great friend of Sir John Barleycorn (hear,) and but for strong beer and beef the British bayonet would never had carried its way as it had done to the hearts of their enemies; and what would become of all the barley²⁰⁴ which

is so largely grown²⁰⁵ if these temperance societies were fostered by the law of the land²⁰⁶ ((and)) beer and whiskey were not manufactured? Amidst much laughter he sat down.²⁰⁷

SIR A. MACNAB said, considering the state he saw the hon. member for West Halton in last night, he was astonished Mr. ... ((Wilson)) should say that he (Sir A. McNab) had turned the tables on him with his, he was going to say, impertinence; but he would say tact.²⁰⁸ (Laughter.)²⁰⁹ Still he would wish drunkenness to be more severely punished.²¹⁰

MR. BELL made a temperance speech²¹¹ in favour of the motion.²¹²

MR. FLINT rose and said it was not his intention to make a long speech; but he fully concurred with what had fallen from the hon. member for Sherbrooke with respect to the evils and increase of intemperance. The hon. member recapitulated the statements of the hon. member for Sherbrooke, and made some facetious allusion to the tavern, or at least to the bar, in the House, which was very frequently visited by hon. members, especially by his hon. friend the member for Essex. He then alluded to the class of houses possessing necessary accommodations for travellers, which alone should be licensed,--and expressed his determination to support the motion.²¹³

MR. WILSON urged that the crime of drunkenness should be treated as an indictable and punishable offence. There had been a time, and not too long ago too, when a law of this kind could not be put in force because public opinion was very much in favour of the drinking habits of the community, but that feeling had in a great measure subsided, and these habits were now considered disreputable. He thought therefore that there would be no objection to punish drunkards.²¹⁴

COL. PRINCE rose, and ... alluded to the expressions which had fallen from the hon. member for Hastings.²¹⁵ ((He)) thought it very unfair in his friend to allude to him. He had, it is true, been at the Bar for the last hour with his friend, the member for Hastings²¹⁶, and never spent an hour more pleasantly²¹⁷; he really thought that something stronger than water kept his honorable friend there. In all tee-total houses the landlord kept a drop of something.²¹⁸ In fact, he thought the hon. member for Hastings would make a good lawyer, for he was calculated to "shine at the bar." He should support the motion so far as the refusing licenses to improper houses.²¹⁹ In allusion to the proposal of Mr. Wilson²²⁰ he thought not only should drunkenness be made an indictable offence, but that persons who charged those with drunkenness who were sober, should also be indictable²²¹--when a gentleman published in the newspapers that a Barrister was drunk in open court!²²²

Some good humoured banter on the same subject took place between SIR A. MACNAB and MR. WILSON²²³.

(52)

Intemperance.

Resolved, That a Select Committee, composed of Mr.

Gugy, Mr. DeWitt, Mr. Laterrière, Mr. Jobin,

Mr. Flint, Mr. Drummond, and Mr. Malloch, be appointed to enquire and report whether any and what Legislative measures can be adopted to repress the evils growing out of Intemperance, to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. WILSON, seconded by COL. GUGY, ((moved)) ... that the committee have power to report that the crime of drunkenness be an indictable offense, and punishable under the Petty Trespass Act.²²⁴

(52)

Ordered, That it be an Instruction to the said Committee, to enquire into and report upon the expediency of making the crime of drunkenness an indictable offence, or an offence punishable under the petty Trespass Act.

On motion of Mr. Flint, seconded by Mr. Johnson,

River Moira
Slides' Act.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the Act relating to Slides

on the River Moira.

The House accordingly resolved itself into the Committee.

Mr. Laurin took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lemieux reported that the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That it is expedient to repeal the Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to require Slides of certain dimensions to be erected upon the several Mill Dams in the River Moira, and its tributaries, in the District of Victoria," and to make better provision for the construction of Aprons to Dams upon the said River Moira.

The said Resolution being again read a second time, was agreed to.

River Moira
Mill Dams' Bill.

Ordered, That Mr. Flint have leave to bring in a Bill to repeal the Act therein mentioned, and to make better provision for the construction of Aprons

to Dams upon the River Moira.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, to-morrow.

Message from
His Excellency.

The Honorable Mr. Boulton delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Beauharnois
Election.

ELGIN AND KINCARDINE:

The Governor General informs the Legislative Assembly, in reply to their Address of the 1st instant, praying that measures may be taken for the discovery, apprehension, and punishment of the individuals who forcibly took from the possession and custody of the Deputy Returning Officers, the Poll Books of the Township of Dundee and the Parish of St. Anicet, in the County of Beauharnois, during the late Election for that County, that he has issued a Proclamation,

offering a Reward of One hundred pounds for the apprehension and conviction of the offenders above mentioned.

Government House,
Montreal, 16th March, 1848.

A. B. Papineau. The Honorable Mr. Boulton presented, pursuant to Addresses to His Excellency the Governor General,--Return to two Addresses from the Legislative Assembly to His Excellency the Governor General, dated, respectively, the 30th June, 1847, and the 1st March, 1848, in the case of A. B. Papineau, Esquire, of St. Martin.

Appendix (O.) For the said Return, see Appendix (O.)

Public Works. The Honorable Mr. Boulton also presented, pursuant to the directions of several Acts of the Provincial Parliament,--Report of the Commissioners of Public Works, for the year 1847.

Appendix (N.) For the said Report, see Appendix (N.)

Education. Also, Report of the Superintendent of Elementary Education for Lower Canada, for the years 1846-7.

Appendix (P.) For the said Report, see Appendix (P.)

Jesuits' Estates. Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a Copy of the Security Bond given by Louis Eléonore Dubord, Esquire, as Agent for the Jesuits' Estates, in the District of Three Rivers.

Ordered, That Mr. Guillet, Mr. Gugy, Mr. Jobin, and Mr. Holmes, do present the said Address to His Excellency the Governor General.

Waterloo and Hamilton Road Bill. Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate a Company to construct a Plank or Macadamized road between Waterloo and Hamilton.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Tuesday next.

On motion of Mr. Drummond, seconded by the Honorable Mr. Boulton,
Supply. Ordered, That the Order of the day for receiving the Report of the Committee of the whole House, to which it was referred to consider of the Motion made on Tuesday, the fourteenth instant, That a Supply be granted to Her Majesty, be now read.

And the same being read;

Mr. M'Farland, from the said Committee, reported a Resolution; which was read, as followeth:--

Resolved, That a Supply be granted to Her Majesty.

The said Resolution being read a second time, was agreed to.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider of the Supply granted to Her Majesty.

Western Telegraph
Company Bill.

The Order of the day for the second reading of the Bill to incorporate "The Western Telegraph Company," being read;

MR. WILSON moved a second reading of the Western Telegraph Bill²²⁵.

(52)

The Bill was accordingly read a second time; and referred to the Standing Committee on Railways and Telegraph Lines.

(53)

On motion of Mr. Morrison, seconded by Mr. DeWitt,

Russell
Election.

Resolved, That the Petition against the Return of the sitting Member for the County of Russell, is not now pending, the Petitioner having failed to enter into the Recognizance required by law.²²⁶

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Fournier, seconded by Mr. Chabot,
The House adjourned.²²⁷

APPENDIX: 16 MARCH 1848.

((NOTICES OF MOTIONS.))

Two or three notices of motion ... ((were)) passed²²⁸.

((NOTICE OF QUESTION RE: NEW CUSTOMS ACT.))

MR. BADGLEY gave notice that he would ask the representatives of the Government in this House whether the Government intended to proclaim the new Custom's Act, and when.²²⁹

((WITHDRAWN MOTION RE: APPOINTMENT OF SELECT COMMITTEE TO ENQUIRE INTO MANAGEMENT OF GROSSE ISLE QUARANTINE ESTABLISHMENT.))²³⁰

COL. GUGY, seconded by MR. MCCONNELL, moved for the appointment of a select committee to enquire into the management of the Quarantine Establishment at Grosse Isle. He said that this motion concerned the vast body of persons who annually emigrated from Europe to this country; and if the emigration at all continued as it had done during the past year, it was of the last importance that measures should be taken to see how they had been treated on their arrival here and to prevent if possible the horrors of the past year. (Hear, hear.) The number of persons that left Great Britain last year for the port of Quebec was 98,100; the number who arrived there was 86,503; admitted to the hospital at Grosse Isle, 34,523--that was to say, three eighths of the number landing were admitted to the hospital, an event unparalleled in the annals of history. By the 31st of September last, one out of every five of those who left the British shores had perished. (Hear, hear.)²³¹ He alluded to his remarks on a previous occasion, when he had spoken on the same subject, and when he had impugned the management of Dr. Douglas.²³² He had been censured for blaming Dr. Douglas, but²³³ when any allusions to the shameful doings at the Quarantine station were made, every one was innocent, yet unnumbered evils had occurred.²³⁴ If this committee was granted, he should be able to establish cases of great public and private delinquency against the officers and subordinates of the Quarantine Establishment; it was, therefore, of the highest importance that the matter should be brought under the notice of the House. He had taken it up²³⁵ in the discharge of his duty as legislator²³⁶ ((and)) as an independent member--as one unconnected with either of the great parties that divided the House.²³⁷

Hear, hear, from both sides.²³⁸

COL. GUGY ((continued:)) Although it might bring down upon his head much obloquy²³⁹, ((he)) had a natural propensity to assert his and the people's rights,²⁴⁰ ((and)) he was bound, in the performance of his sacred duty, towards a class of the population with whom he had little in common, to bring under the notice of the public charges of a very extraordinary description, affecting Dr. Douglas among others; and, in doing so, he was moved by a sentiment of justice towards Dr. Douglas himself. What he was about to say, had been whispered, and was the subject of universal conversation from one end of the Province to the other, and it was due to this

that he should be called before²⁴¹ a tribunal competent to make every enquiry²⁴² ((and)) be heard in his defence.²⁴³ He would here mention that he had no charges to make against any of the subordinate Medical Assistants²⁴⁴ of the Grosse Isle Establishment; but cases of great delinquency--of horrible and detestible (sic) conduct--lay at the doors of the stewards and nurses. If the committee were granted, he should have no difficulty in proving that²⁴⁵ robbery was a case of daily occurrence.²⁴⁶ We have all heard of the robbery of the dead in the plague, and it is perhaps not generally known that these poor Irish carry money, and very often large sums, sewed up in their rags: and there was no difficulty in proving that the nurses and stewards robbed not only the dead but dying²⁴⁷; that the nurses actually tore the wedding rings from the fingers of dying women.²⁴⁸ Women with their eyes nearly glazed in death had seen nurses creeping under their bed²⁴⁹. He could prove amongst other things, that wretches of the lowest description employed in that establishment, in a month or two, accumulated immense riches²⁵⁰. He cited a case (one among many,) as a sample of facts that had been represented to him. The nurses and stewards were generally of bad character; and in the case he alluded to, a woman known to be poor and destitute when she accepted the situation of nurse,²⁵¹ ((was)) returning from Grosse Isle²⁵² to Quebec²⁵³ after a stay of two months ((and had)) brought on the steamer a bag containing money, and while drunk dropped it on the deck, and the bag bursting 200 sovereigns rolled out, the proceeds of her plunder at Grosse Isle; and it is a fact that the nurses generally were women of the most abandoned character.²⁵⁴ The steward to whose care the sums left by the dead emigrants had been confided, kept two books, (this was a fact of considerable importance,) in one of them²⁵⁵, the one for the inspection of the Government²⁵⁶, a parcel of worthless articles were entered; and in the other, a private one²⁵⁷ only seen by accident,²⁵⁸ the articles of value extracted from the emigrants were entered;²⁵⁹ thus robbing the heirs of the unfortunates dying at the sheds;²⁶⁰ and these cases were common, general, he believed, with one solitary exception.²⁶¹ These horrible facts could be proved, and²⁶² from these facts, could they help dragging in horrible inference? These were the acts of those whose business it was to tend, to protect, to nurse the sick and the dying; but if they had an interest in preventing the recovery of their patients, was there not an inference which must occur to every man?²⁶³ The stewards and nurses had an interest in accelerating death.²⁶⁴ The patients were huddled together without distinction of sexes, some wards containing over 300 persons and others being nearly empty. He might state also to the House and to the country, that the ships arriving were not regularly visited; that numbers of them brought a larger number of emigrants than it was competent of them to do under the law as then existed, without the offenders being punished. He would be able to prove that the rations dealt out for the benefit of the emigrants were stolen by the nurses and stewards,²⁶⁵ for the((ir own)) benefit²⁶⁶. Cheating and theft were constantly adverted to, and no measures taken to punish the guilty.²⁶⁷ And now he would advert to Dr. Douglas, the superintendent.²⁶⁸ He could not hold Dr. Douglas free of blame in his character of Superintendant (sic).²⁶⁹ It would naturally be asked how such cases of such flagrant delinquency could be allowed to occur without his interposition.²⁷⁰ He would ask this House,

if it is not natural for him to accuse Dr. Douglas.²⁷¹

COL. PRINCE rose to order.²⁷² ((He)) asked if it was necessary to proceed further to arraign the character of a private gentleman, and to charge him with delinquencies which had not been proved?²⁷³ The motion before the House was for the appointment of a committee for which such ground had been laid that no man with one atom of humanity--no man with the slightest feeling for the human race--could refuse it. (Hear, hear.) Then why enter into the charges against Dr. Douglas? It would be for the committee to enquire into their truth or falsehood.²⁷⁴ Till the Committee had enquired into the facts, he would protest²⁷⁵ against any hon. member standing up in his place in that House and making observations calculated to destroy the reputation of a gentleman²⁷⁶ in Doctor Douglas' situation,²⁷⁷ ((who was)) perhaps quite undeserving of the imputation. (Hear, hear.)²⁷⁸ He would implore his learned friend, whose heart beats in the case of humanity, to abstain from attacking the character of any man; and he felt it the more, because, though not knowing Dr. Douglas,²⁷⁹ he had the highest opinion of his humanity and benevolence.²⁸⁰ He was convinced from one case in which Dr. Douglas had corresponded with his neighborhood, his heart was in the right place. A poor emigrant from that part of England which he came from, died at Grosse Isle, leaving an only child and 70 sovereigns--the relations of the child were traced to that part of the country where he lived; through the humane exertions of Dr. Douglas, the child was forwarded on to Toronto, but as yet had been traced no farther, but he was sure, from the way in which Dr. Douglas expressed himself on the occasion, that he would wrong no one. He would vote as every man in this House would for the Committee; that was the tribunal to judge Dr. Douglas, and if he or any one at Grosse Isle had wronged the poor Emigrant,²⁸¹ then let them be made public²⁸², let them be punished, but let it not go forth that Dr. Douglas has done wrong.²⁸³ Condemn not a man, even in public opinion, unheard. The risks incurred by medical men in the case of humanity during the last summer in this country for no reward, no glory, but for pure philanthropy (sic), surpassed the heroic actions of the warriors at Waterloo. He hoped the enquiry would be referred to a committee without further allusion to the subject.²⁸⁴ In the course of his remarks, Col. Prince spoke of the time "when he had the misfortune to come to this country."²⁸⁵

COL. GUGY would take the course Colonel Prince recommended,²⁸⁶ as it seemed to be the opinion of the House, although it was not his own view on the subject.²⁸⁷ ((He)) was prepared to stand or fall by the accusations he would make. He held it to be the duty of every member of this House to impeach great delinquencies, and to prevent the recurrence of evils so enormous as those under discussion.²⁸⁸

MR. HOLMES thought that the hon. gentleman who had brought forward this subject had done a great service to the country at large, and he was very unwilling to believe that he would have advanced charges of so serious a kind against a gentleman holding so high an office as Dr. Douglas held, one on which the lives of our fellow creatures depended, if he was not fully impressed with the certainty of his ability to substantiate them. He thought that if the hon. gentleman had the evidence which he had

led the House to believe he possessed, and could convince the House that the Superintendent at Grosse Isle was amenable to charges such as he had insinuated,²⁸⁹ he should speak them out openly, taking the responsibility of the step.²⁹⁰ It was a duty which he owed²⁹¹ not only to this country but to the world at large²⁹², to prevent the continuation in office of such an individual, who otherwise would next season have the superintendence of so large a mass of the people (hear, hear.) He believed that after what had been said that it would be far better that they should demand of the hon. member for Sherbrooke that he would come forward and state distinctly what were the charges he was prepared to bring against Dr. Douglas, that the Executive Government might not, for want of information, continue him in a situation so responsible as that of Superintendent of Grosse Isle. If the charge which had been insinuated against him was well founded, Dr. Douglas was an improper person to have charge of the establishment, and the Government²⁹³ would be under the necessity of suspending the parties implicated and would no doubt institute an immediate inquiry.²⁹⁴ But if the charges could not be substantiated, then an opportunity ought to be offered to Dr. Douglas of demonstrating clearly that the accusations were unfounded²⁹⁵; he would be exonerated in the public mind from all the reports that have gone abroad.²⁹⁶ A committee of the House could not report this session, and it was of great consequence that another immigration season should not be entered on with such serious allegations unanswered.²⁹⁷ He (Mr. H.) knew nothing of Dr. Douglas personally, but reports had gone abroad of gross delinquencies committed at Grosse Isle, and he much feared that too many of the circumstances detailed to-night had been matter of frequent occurrence there.²⁹⁸

COL. PRINCE called the hon. gentleman to order; he had no right to attack a private individual.²⁹⁹ The Committee would make an enquiry.³⁰⁰

MR. HOLMES was not attacking a private individual; he distinctly disclaimed any intention of attacking Dr. Douglas, nor did he express any opinion as to whether Dr. Douglas was amenable to the charges brought against him. But the Committee, if appointed, could not report this session, and if there was the slightest foundation for what had been alleged this evening, the Government ought to be called on to discontinue that gentleman in the position in which he now stood. He thought that the hon. gentleman who had brought this subject forward and made the motion for inquiry, should be called upon to state distinctly whether he had evidence derogatory to the character of Dr. Douglas or not, and if he was prepared to substantiate the charges he had brought against him?³⁰¹

COL. GUGY had been about to inform the House when first interrupted by the hon. member for Essex,³⁰² that the information he derived was from sources he could rely on; and³⁰³ that many of these delinquencies were ascribed to the Superintendent, and was it not natural that he should be held responsible for their existence, because he derived profit and emolument from his³⁰⁴ various offices at Grosse Isle,³⁰⁵ and because it was his bounden duty to protect his patients and look after his subordinates. The hon. member for Montreal had made use of a term which was always disagreeable to him (Col. G.) He always asserted--affirmed;--he never "insinuated";

and it was for the purpose of affirming what he believed to be facts that he stood there to-night,³⁰⁶ ready, aye, willing to impeach³⁰⁷ the capacity of Dr. Douglas in his character of Superintendent of the Grosse Isle Establishment³⁰⁸, if it was not contrary to the rules of the House³⁰⁹. He stood there to inform the House, the country, and himself of these charges, in order that he might be ready to come forward in his defence. If it was the pleasure of the House that he should proceed, he would do so, even though it was at his peril: if, on the contrary, it was thought that it would be most conducive to the ends of justice that he should withhold his information, he would cheerfully acquiesce and be silent. But until he had elicited from the House an opinion on the matter, he would proceed to another branch of the subject. He thought it necessary that a public officer, a public curator of the property not only of the emigrants, but of the widows and orphans of those who died should be appointed, as it was known that a vast amount of property had been feloniously and unlawfully abstracted by those whose duty it was to protect the lives and property of the owners.³¹⁰ Mr. Cary was, it is true, appointed curator to the effects of emigrants, but that was only at the end of the season--locking the door after the horse was stolen. And as there is to be a large excess of population this year, officers ought to be appointed to protect the poor emigrants from the harpies always on the lookout to roll them³¹¹. These observations put the House sufficiently in possession of the views he entertained: he had thus far said not one word against the character of the Superintendent, save that for which, in his capacity of Superintendent, he might be held responsible.³¹² He held him legally--aye, and morally responsible for the actions of his subordinates.³¹³ He would now yield to what he believed to be the sense of the House, and desist from his painful duty.³¹⁴

MR. RICHARDS recommended the hon. member for Sherbrooke to withdraw his motion, as the attention of the Government had been directed to it, and they would, no doubt, take the investigation into their own hands.³¹⁵

COL. PRINCE would not give up the Committee³¹⁶. ((He)) thought that the charge brought by the hon. member for Sherbrooke and endorsed by the hon. member for Montreal, ought not to be prejudicial to Dr. Douglas.³¹⁷

MR. HOLMES had endorsed no charge against Dr. Douglas--he knew nothing whatever against him, but he conceived that if the accusations made were well founded, it would be well for the hon. gentleman to bring forward a distinct charge, in order that the Government might be enabled to remove Dr. Douglas if necessary.³¹⁸

COL. PRINCE thought that the tenor of his observations went to this.³¹⁹

"Question, question."³²⁰

COL. PRINCE ((continued:)) Hon. gentlemen might cry "question" for seven hours, he would stand there till he was heard. (Laughter.) He thought that the hon. member for the City of Montreal had not suggested the proper course to be adopted. He had called upon the hon. member for Sherbrooke to come forward with a specific charge; the hon. member who represented the Metropolis of the Province had called upon the hon. member to make a specific charge on the floor of that House.³²¹

MR. HOLMES The hon. gentleman shall not misrepresent me. I said no such thing. I stated that if the hon. member for Sherbrooke had charges to prefer, he ought to come forward and make them; but that was a very different thing from asking the hon. member to come forward and make a charge. (Hear, hear.)³²²

COL. PRINCE said his hon. friend had been out of Parliament for some time; when he had been in this House a few months longer he would learn to keep his temper. The hon. member for the Metropolis of Lower Canada certainly had called upon the hon. member for Sherbrooke to make a specific charge--there could be no doubt about it.³²³

MR. HOLMES.--If he had one.³²⁴

COL. PRINCE.--Well, the general tenor of his hon. friend's remarks went to assume that he had one. Now he would like to know if the House was a grand jury to discuss this matter³²⁵ or, perhaps, a new system was to be introduced under the new regime; under this regime he supposed, if he was to judge by the proceedings of the precedent majority, an office-holder was to be accused and found guilty at once, and kicked out, though at a distance.³²⁶ He referred particularly to past transactions with regard to Returning Officers. (Hear, hear.) The hon. member for Montreal had this crotchet in his head, that under the present regime a man holding office under the Government had but to be accused, to be found guilty. That might do under dynasties and despotism, but he (Col. P.) happened to be an old fashioned Englishman, and he did not approve of that doctrine; that was his idea of a tyrannical government. It did not happen to suit his³²⁷ notions of liberty that men should be accused and kicked out in that way,³²⁸ and he could tell his hon. friend that it did not suit Responsible Government, and that there was no legitimate mode in which it could be brought before Parliament, except through the medium of a committee. He should no longer wish to be a member of any House, or to address any House, under any circumstances whatever, where, according to the doctrine promulgated by the hon. member for Montreal, another hon. member could get up in his place and accuse a distant gentleman of wrong, and on that accusation the gentleman was dismissed from his office. It was not a legitimate notion--it was a bastard notion--one that did not belong to English, or Irish, or Scotch, no nor to Canadian feeling of justice, and he for one repudiated it. Dr. Douglas would, after this debate, appear before the public as a man who had done wrong; it was unjust to bring his character forward, as it had been, weeks and months before he could have an opportunity of defending himself before any competent tribunal. He therefore regretted that his hon. friend had brought forward such a proposal.³²⁹

DR. NELSON³³⁰ said Col. Gagy deserved the thanks of the country³³¹ ((and)) of the House for bringing the subject to their notice³³² ((and)) for bringing forward his motion.³³³ There was no doubt that great evils had occurred, but from the nature of the circumstances they could hardly be avoided.³³⁴ What occurred at Grosse Isle, might have occurred here, and had it not been for him and his friends, that stood between the Government and humanity, things might have been as bad here as there.³³⁵ The hon. member described ... the peculiarities of the circumstances in which

Dr. Douglas had been placed. In consequence of the numbers it was impossible to provide for all; even in Montreal and Upper Canada--sometimes sufficient straw for beds could not be obtained. He thought for these reasons hon. gentlemen should be sparing of denunciations. He himself had risked his life, unpaid, in endeavouring to promote the comforts of the emigrants.³³⁶ What he had done, he did for the good of his country, without fee or reward, to benefit his fellow creatures, and perhaps this House will remember that during the last Session,³³⁷ he had spoken ... prophetically of what had since occurred, and been called an alarmist. But the difficulties of the case were such as none but a medical man could know.³³⁸ He would say, when Government saw the evils caused by the Emigrants of last year, money was most liberally given, and as liberally expended. He thought, had the system of management at Grosse Isle been better, we should not have had so much disease here. He was against the moving of the Sheds to Grosse Isle, which would have cost the Government £30,000 more, and maintained that, at the Sheds, every comfort was afforded to the sick, and every security against the spread of disease through the country. He had heard all sorts of rumours about bartering and robbing at the Sheds here. He wished for the fullest investigation,³³⁹ which ... was imperatively demanded³⁴⁰ and trusted it would cause the Government to be careful in delegating power. He would not say that Dr. Douglas ought not to be re-appointed to office; every deference ought to be paid to public opinion, and he would wish the Government to name a Commission.-- He would state typhus was not an epidemic, but as we might expect the cholera this year, he would advise all to change their habits, and become temperate before it came³⁴¹ as ((this was)) the best prevention of the increase of sickness in a case of so lamentable a recurrence.³⁴²

SIR A. MACNAB warmly defended Dr. Douglas, and contended the Committee asked for would avail nothing, as Parliament would be prorogued before it could terminate its labors. He considered Col. Gagy to be sincere in believing the charges against Dr. Douglas, but felt convinced the hon. member had been imposed on by false information.³⁴³

MR. CAUCHON addressed the House in French. He did not mean to accuse Dr. Douglas, but those accusations had been made last year both in the House and out of the House, and the consequence was that the hon. Solicitor General had been sent down to Grosse Isle to inquire into them, but when he got there he was told that it would be dangerous for him to go into the sheds, and that he had better keep a distance, so he had leaned on a fence and examined from a distance the deaths and fever, and then came home and reported that all was right. (Hear, hear, and laughter.) He (Mr. C.) did not like to accuse Dr. Douglas, but he knew well and could prove that murders had been committed there, and thefts and other immoralities, (hear, hear,) and that these crimes had not been brought under the notice of the judicial authorities. He could also prove that the patients were kept for two or three days without eating or drinking--that many vessels were not examined, and that those who were sent from the establishment died in greater numbers both in Montreal and in Upper Canada than at the island itself. He thought that if the session was too near an end for the House to take up this matter, at least the Government should see that inquiry was made, and justice to the public, to the

sufferers, and to the Superintendent himself. (Hear, hear.)³⁴⁴

MR. BADGLEY wished, as a member of the late Administration, to say a few words in reference to this painful matter. He could not discharge the duty he had to perform by referring to the statistics of the mortality and disease which accompanied the emigration last year. The hon. member who introduced this motion had adduced a great many facts on which to ground his demand, but he (Mr. B.) knew that upon several of those facts he had been misinformed. He had said that a number of ships had not been visited, and that many of the vessels had brought out more passengers than was allowed by law. Now he would assert that every single vessel arriving at Grosse Isle had been examined, and that in every vessel which had brought out an excess of passengers the master had been punished. On referring to the statistics of mortality connected with last year's emigration, it would be found that of the 98,000 emigrants who left Great Britain for this country, 5,000 had died on the passage or on their arrival, and that between 8 or 9,000 were received into the Hospital. Now all this immense mass of mortality and disease arrived during a period of five or six months. How was it possible then, under these circumstances, to accuse the superintendant (sic) of the establishment of improper conduct and neglect of duty, when he had such an immense number as 98,000 persons to examine in that short space of time? He could not conceive how it could be done. He left it to medical men who knew the exertion needed to go through the wards of a small hospital. It would be found that of the whole amount of emigration one-third or more had been, more or less, diseased--that nearly 30,000 of the individuals admitted into the country had been admitted to the hospital. It was only necessary, he conceived, to understand the immense amount of emigration, disease and mortality, to appreciate the situation of the medical superintendant (sic) of this establishment. As to the nurses and stewards, it was possible that, in the midst of so much misery and death, persons of the best character might not have been selected: but did they not know that both here and at Quebec the clergy had devoted their best energies to assist the emigrants, and was it to be supposed that they would have allowed crimes like these to have been committed without informing the Government of it? (Hear, hear.) He could assure the House that no such charge had been made to the Government, either from Grosse Isle or the station here. He was satisfied that the Government would adopt means to have a strict and close investigation into the conduct of the officers at Grosse Isle. They had the power under the law, without the matter coming before the House, before a Committee which could arrive at no result. He would suggest to his hon. friend that he should withdraw his motion, and move an address to the Government to appoint a Committee for the investigation of the matter. (Hear, hear.)³⁴⁵

MR. WILSON regretted much that the question should have taken a political, a party turn. He hoped that the House would approach it free from any feeling of the kind. A great deal of credit was due to the hon. member for Sherbrooke for bringing forward this matter; but he (Mr. W.) thought that he had done wrong in making the charges against Dr. Douglas in the way he had done: it was wrong in any member of the House to avail himself of his position to assail the character of any man who had not an immediate opportunity of defending himself.³⁴⁶ All that was said in the House went

forth to the world,³⁴⁷ ((and)) he would ask, was it possible for an individual accused in that House to vindicate himself before the accusation went forth to the world?³⁴⁸ It often took months to clear imputations cast in a moment upon character.³⁴⁹ In this instance he thought that the character of Dr. Douglas had been very roughly handled--that he had been made a victim of attacks intended for those who employed him. He believed, for his part, that Dr. Douglas would be able to exculpate himself from any blame, physical or moral. The hon. member for Sherbrooke had contended, that because Dr. Douglas was superintendent, he was to be held morally responsible for all the villainy that was transacted in the establishment. He (Mr. W.) did not agree with him. It was utterly impossible for any one man to superintend such a vast concern. The hon. member might have contented himself with stating that outrages had been committed at Grosse Isle, and called for a Committee to investigate them, without charging anyone or inflicting so serious an injury on any individual. (Hear, hear.)³⁵⁰

MR. DRUMMOND remarked that his hon. and learned friend from Essex had said that no man possessing one atom of humanity could object to the appointment of this committee. He (Mr. D.) was bound to oppose it. No one on the floor of the House felt more the injuries which had been inflicted on the emigration population. At the same time, he must oppose the appointment of this committee, because he could not conceive what good could be effected by it, from the want of time. When it was well known that the House was about to be prorogued in two or three days, how would it be possible to enter into an inquiry upon an immense mass of facts, the catalogue of which had merely been begun by the hon. member for Sherbrooke? How would it be possible to afford Dr. Douglas a fair opportunity of defending himself from those very serious charges which he for one much regretted to have heard so publicly made. (Hear, hear, hear.)³⁵¹

COL. GUGY was willing to withdraw the motion, if the Government was disposed to enquire into this matter.³⁵²

MR. DRUMMOND.--The Government was not only disposed to enquire into the matter, but was grateful to the hon. member for having called their attention to the subject.³⁵³

The motion was withdrawn ((by)) COL. GUGY³⁵⁴.

FOOTNOTES: 16 MARCH 1848.

1. GLOBE, 25 March 1848, reported: "The House met at 3 o'clock, but did no business until 4."
2. The text of this petition may be found in LE JOURNAL DE QUEBEC, 16 March 1848.
3. The debate on this matter was reported by: LA MINERVE, 20 March 1848; GLOBE, 25 March 1848; HAMILTON SPECTATOR, 25 March 1848, and BRITISH WHIG, 22 March 1848, in identical accounts; PILOT, 21 March 1848, and PACKET, 31 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 18 March 1848, and PRINCE EDWARD GAZETTE, 31 March 1848, in identical accounts; MONTREAL GAZETTE, 20 March 1848, ST. CATHARINES JOURNAL, 30 March 1848, and PROVINCIALIST, 28 March 1848, in identical accounts, except that the GAZETTE's and the ST. CATHARINES JOURNAL's accounts contain more speeches, and more detail than the PROVINCIALIST's account. MONTREAL GAZETTE, 17 March 1848, PILOT, 18 March 1848, PACKET, 24 March 1848, and HAMILTON SPECTATOR, 22 March 1848, noted the debate in identical accounts. MONTREAL TRANSCRIPT, 18 March 1848, noted that: "the discussion occupied a considerable time."
4. HAMILTON SPECTATOR, 25 March 1848.
5. PILOT, 21 March 1848.
6. HAMILTON SPECTATOR, 25 March 1848.
7. MONTREAL GAZETTE, 20 March 1848.
8. PILOT, 21 March 1848.
9. HAMILTON SPECTATOR, 25 March 1848.
10. MONTREAL GAZETTE, 20 March 1848.
11. MONTREAL TRANSCRIPT, 18 March 1848.
12. MONTREAL GAZETTE, 20 March 1848.
13. PILOT, 21 March 1848.
14. MONTREAL GAZETTE, 20 March 1848.
15. MONTREAL TRANSCRIPT, 18 March 1848.
16. HAMILTON SPECTATOR, 25 March 1848.
17. PILOT, 21 March 1848.
18. MONTREAL GAZETTE, 20 March 1848.
19. PILOT, 21 March 1848.
20. MONTREAL GAZETTE, 20 March 1848.
21. MONTREAL TRANSCRIPT, 18 March 1848.
22. PILOT, 21 March 1848.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. MONTREAL GAZETTE, 20 March 1848.

36. PILOT, 21 March 1848.
37. MONTREAL GAZETTE, 20 March 1848, which added: "as we wish he would always do".
38. PILOT, 21 March 1848.
39. HAMILTON SPECTATOR, 25 March 1848.
40. MONTREAL GAZETTE, 20 March 1848.
41. PILOT, 21 March 1848.
42. HAMILTON SPECTATOR, 25 March 1848.
43. PILOT, 21 March 1848.
44. HAMILTON SPECTATOR, 25 March 1848.
45. PILOT, 21 March 1848.
46. IBID.
47. IBID.
48. MONTREAL GAZETTE, 20 March 1848.
49. HAMILTON SPECTATOR, 25 March 1848.
50. MONTREAL GAZETTE, 20 March 1848.
51. HAMILTON SPECTATOR, 25 March 1848.
52. MONTREAL GAZETTE, 20 March 1848.
53. PILOT, 21 March 1848.
54. MONTREAL GAZETTE, 20 March 1848.
55. PILOT, 21 March 1848.
56. MONTREAL GAZETTE, 20 March 1848.
57. PILOT, 21 March 1848.
58. MONTREAL GAZETTE, 20 March 1848.
59. PILOT, 21 March 1848.
60. MONTREAL GAZETTE, 20 March 1848.
61. PILOT, 21 March 1848.
62. MONTREAL TRANSCRIPT, 18 March 1848.
63. PILOT, 21 March 1848.
64. MONTREAL GAZETTE, 20 March 1848.
65. HAMILTON SPECTATOR, 25 March 1848.
66. PILOT, 21 March 1848.
67. MONTREAL TRANSCRIPT, 18 March 1848.
68. HAMILTON SPECTATOR, 25 March 1848.
69. IBID.
70. IBID.
71. PILOT, 21 March 1848.
72. MONTREAL TRANSCRIPT, 18 March 1848.
73. HAMILTON SPECTATOR, 25 March 1848.
74. PILOT, 21 March 1848.
75. MONTREAL GAZETTE, 20 March 1848.
76. PILOT, 21 March 1848.
77. MONTREAL GAZETTE, 20 March 1848.
78. PILOT, 21 March 1848.
79. HAMILTON SPECTATOR, 25 March 1848.
80. PILOT, 21 March 1848.
81. HAMILTON SPECTATOR, 25 March 1848.
82. PILOT, 21 March 1848.
83. MONTREAL GAZETTE, 20 March 1848.
84. HAMILTON SPECTATOR, 25 March 1848.
85. GLOBE, 25 March 1848.
86. PILOT, 21 March 1848.

87. MONTREAL GAZETTE, 20 March 1848.
88. PILOT, 21 March 1848.
89. MONTREAL GAZETTE, 20 March 1848.
90. PILOT, 21 March 1848.
91. IBID.
92. GLOBE, 25 March 1848.
93. PILOT, 21 March 1848.
94. MONTREAL GAZETTE, 20 March 1848.
95. PILOT, 21 March 1848.
96. GLOBE, 25 March 1848.
97. PILOT, 21 March 1848.
98. GLOBE, 25 March 1848.
99. PILOT, 21 March 1848.
100. IBID.
101. MONTREAL TRANSCRIPT, 18 March 1848.
102. PILOT, 21 March 1848.
103. MONTREAL GAZETTE, 20 March 1848.
104. PILOT, 21 March 1848.
105. IBID.
106. IBID.
107. MONTREAL TRANSCRIPT, 18 March 1848.
108. PILOT, 21 March 1848.
109. MONTREAL GAZETTE, 20 March 1848.
110. PILOT, 21 March 1848.
111. MONTREAL GAZETTE, 20 March 1848.
112. PILOT, 21 March 1848.
113. MONTREAL TRANSCRIPT, 18 March 1848.
114. PILOT, 21 March 1848.
115. MONTREAL GAZETTE, 20 March 1848.
116. MONTREAL TRANSCRIPT, 18 March 1848.
117. MONTREAL GAZETTE, 20 March 1848.
118. MONTREAL TRANSCRIPT, 18 March 1848.
119. HAMILTON SPECTATOR, 25 March 1848.
120. MONTREAL TRANSCRIPT, 18 March 1848.
121. HAMILTON SPECTATOR, 25 March 1848.
122. MONTREAL TRANSCRIPT, 18 March 1848.
123. PILOT, 21 March 1848.
124. MONTREAL GAZETTE, 20 March 1848.
125. MONTREAL TRANSCRIPT, 18 March 1848.
126. MONTREAL GAZETTE, 20 March 1848.
127. HAMILTON SPECTATOR, 25 March 1848.
128. MONTREAL TRANSCRIPT, 18 March 1848. HAMILTON SPECTATOR, 25 March 1848,
cited the figure as £170,000.
129. HAMILTON SPECTATOR, 25 March 1848.
130. MONTREAL TRANSCRIPT, 18 March 1848.
131. MONTREAL GAZETTE, 20 March 1848.
132. HAMILTON SPECTATOR, 25 March 1848.
133. MONTREAL GAZETTE, 20 March 1848.
134. HAMILTON SPECTATOR, 25 March 1848.
135. MONTREAL GAZETTE, 20 March 1848.
136. HAMILTON SPECTATOR, 25 March 1848.

137. PILOT, 21 March 1848.
138. MONTREAL GAZETTE, 20 March 1848.
139. PILOT, 21 March 1848.
140. MONTREAL GAZETTE, 20 March 1848.
141. IBID.
142. IBID.
143. IBID.
144. PILOT, 21 March 1848.
145. HAMILTON SPECTATOR, 25 March 1848.
146. PILOT, 21 March 1848.
147. IBID., which reported that the amendment was lost "by a large majority".
148. PILOT, 21 March 1848.
149. IBID., which added: "much to the annoyance of the minority."
150. GLOBE, 25 March 1848.
151. The debate on this matter was reported by: LA MINERVE, 20 March 1848; GLOBE, 25 March 1848; MONTREAL GAZETTE, 20 March 1848, and ST. CATHARINES JOURNAL, 30 March 1848, in identical accounts; MONTREAL TRANSCRIPT, 18 March 1848, and PRINCE EDWARD GAZETTE, 31 March 1848, in identical accounts; PILOT, 21 March 1848, PACKET, 31 March 1848, and NIAGARA MAIL, 5 April 1848, in identical accounts, except that in the NIAGARA MAIL some speeches have been omitted entirely. BRITISH COLONIST, 21 March 1848, and GLOBE, 22 March 1848, noted the debate in identical accounts. Commentaries may be found in PROVINCIALIST, 4 April 1848. LA MINERVE, 20 March 1848, concluded its report of the debate with the following note: "Cette motion fut l'objet de jolis badinages entre les honorable membres, mais il y avait tant de termes de cuisine, en langage anglais, que nous ne pourrions répondre d'une traduction correcte."
152. PILOT, 21 March 1848.
153. MONTREAL GAZETTE, 20 March 1848.
154. PILOT, 21 March 1848.
155. MONTREAL GAZETTE, 20 March 1848.
156. PILOT, 21 March 1848.
157. MONTREAL GAZETTE, 20 March 1848.
158. PILOT, 21 March 1848.
159. IBID.
160. IBID.
161. MONTREAL GAZETTE, 20 March 1848.
162. PILOT, 21 March 1848.
163. GLOBE, 25 March 1848.
164. MONTREAL TRANSCRIPT, 18 March 1848.
165. MONTREAL GAZETTE, 20 March 1848.
166. PILOT, 21 March 1848.
167. MONTREAL GAZETTE, 20 March 1848.
168. PILOT, 21 March 1848.
169. MONTREAL GAZETTE, 20 March 1848.
170. PILOT, 21 March 1848.
171. MONTREAL GAZETTE, 20 March 1848.
172. PILOT, 21 March 1848.
173. MONTREAL GAZETTE, 20 March 1848.
174. PILOT, 21 March 1848.
175. MONTREAL GAZETTE, 20 March 1848.

176. PILOT, 21 March 1848.
177. IBID., which noted that this bench of magistrates was composed of "some sixty gentlemen".
178. MONTREAL GAZETTE, 20 March 1848.
179. GLOBE, 25 March 1848.
180. MONTREAL GAZETTE, 20 March 1848.
181. GLOBE, 25 March 1848.
182. MONTREAL GAZETTE, 20 March 1848.
183. GLOBE, 25 March 1848.
184. MONTREAL GAZETTE, 20 March 1848.
185. GLOBE, 25 March 1848.
186. PILOT, 21 March 1848.
187. MONTREAL GAZETTE, 20 March 1848.
188. PILOT, 21 March 1848.
189. MONTREAL GAZETTE, 20 March 1848.
190. PILOT, 21 March 1848.
191. IBID.
192. LA MINERVE, 20 March 1848.
193. PILOT, 21 March 1848.
194. LA MINERVE, 20 March 1848.
195. MONTREAL GAZETTE, 20 March 1848.
196. LA MINERVE, 20 March 1848.
197. MONTREAL TRANSCRIPT, 18 March 1848.
198. GLOBE, 25 March 1848.
199. PILOT, 21 March 1848. MONTREAL GAZETTE, 20 March 1848, incorrectly attributed this speech to Mr. Wilson.
200. PILOT, 21 March 1848.
201. MONTREAL TRANSCRIPT, 18 March 1848.
202. PILOT, 21 March 1848.
203. MONTREAL TRANSCRIPT, 18 March 1848.
204. PILOT, 21 March 1848.
205. MONTREAL TRANSCRIPT, 18 March 1848.
206. PILOT, 21 March 1848.
207. MONTREAL TRANSCRIPT, 18 March 1848.
208. MONTREAL GAZETTE, 20 March 1848.
209. GLOBE, 25 March 1848.
210. MONTREAL GAZETTE, 20 March 1848.
211. PILOT, 21 March 1848.
212. GLOBE, 25 March 1848. The PILOT, 21 March 1848, noted however, that Bell spoke "in so low a tone of voice that we were unable to catch what he said."
213. MONTREAL TRANSCRIPT, 18 March 1848.
214. PILOT, 21 March 1848.
215. MONTREAL TRANSCRIPT, 18 March 1848, which reported that Prince spoke "good humouredly".
216. MONTREAL GAZETTE, 20 March 1848.
217. MONTREAL TRANSCRIPT, 18 March 1848.
218. MONTREAL GAZETTE, 20 March 1848.
219. MONTREAL TRANSCRIPT, 18 March 1848.
220. GLOBE, 25 March 1848.
221. MONTREAL TRANSCRIPT, 18 March 1848.

222. GLOBE, 25 March 1848, which explained that Prince was "alluding to the Globe's report of the cause Horton vs. Partridge, in which Mr. Wilson proved that Col. Prince was obfuscated when his client's suit was called."
223. MONTREAL TRANSCRIPT, 18 March 1848.
224. PILOT, 21 March 1848.
225. MONTREAL GAZETTE, 20 March 1848.
226. According to GLOBE, 25 March 1848, this motion was passed unanimously.
227. PILOT, 21 March 1848, reported: "at about twelve o'clock".
228. MONTREAL TRANSCRIPT, 18 March 1848.
229. GLOBE, 25 March 1848.
230. The debate on this matter was reported by: MONTREAL GAZETTE, 20 March 1848; PILOT, 21 March 1848, and PACKET, 31 March 1848, in identical accounts; and GLOBE, 25 March 1848, MONTREAL TRANSCRIPT, 18 March 1848, PRINCE EDWARD GAZETTE, 31 March 1848, and PACKET, 25 March 1848, in identical accounts.
231. PILOT, 21 March 1848.
232. MONTREAL TRANSCRIPT, 18 March 1848.
233. MONTREAL GAZETTE, 20 March 1848.
234. MONTREAL TRANSCRIPT, 18 March 1848.
235. PILOT, 21 March 1848.
236. MONTREAL TRANSCRIPT, 18 March 1848.
237. PILOT, 21 March 1848.
238. IBID.
239. IBID.
240. MONTREAL GAZETTE, 20 March 1848.
241. PILOT, 21 March 1848.
242. MONTREAL GAZETTE, 20 March 1848.
243. PILOT, 21 March 1848.
244. MONTREAL TRANSCRIPT, 18 March 1848.
245. PILOT, 21 March 1848.
246. MONTREAL TRANSCRIPT, 18 March 1848.
247. MONTREAL GAZETTE, 20 March 1848.
248. PILOT, 21 March 1848.
249. MONTREAL GAZETTE, 20 March 1848.
250. PILOT, 21 March 1848.
251. MONTREAL TRANSCRIPT, 18 March 1848.
252. MONTREAL GAZETTE, 20 March 1848.
253. MONTREAL TRANSCRIPT, 18 March 1848.
254. MONTREAL GAZETTE, 20 March 1848.
255. MONTREAL TRANSCRIPT, 18 March 1848.
256. MONTREAL GAZETTE, 20 March 1848.
257. MONTREAL TRANSCRIPT, 18 March 1848.
258. MONTREAL GAZETTE, 20 March 1848.
259. MONTREAL TRANSCRIPT, 18 March 1848.
260. MONTREAL GAZETTE, 20 March 1848.
261. MONTREAL TRANSCRIPT, 18 March 1848.
262. MONTREAL GAZETTE, 20 March 1848.
263. PILOT, 21 March 1848.
264. MONTREAL TRANSCRIPT, 18 March 1848.
265. PILOT, 21 March 1848.
266. MONTREAL GAZETTE, 20 March 1848.

267. MONTREAL TRANSCRIPT, 18 March 1848.
268. PILOT, 21 March 1848.
269. MONTREAL TRANSCRIPT, 18 March 1848.
270. PILOT, 21 March 1848.
271. MONTREAL GAZETTE, 20 March 1848.
272. PILOT, 21 March 1848.
273. MONTREAL TRANSCRIPT, 18 March 1848.
274. PILOT, 21 March 1848.
275. MONTREAL GAZETTE, 20 March 1848.
276. PILOT, 21 March 1848.
277. MONTREAL TRANSCRIPT, 18 March 1848.
278. PILOT, 21 March 1848.
279. MONTREAL GAZETTE, 20 March 1848.
280. MONTREAL TRANSCRIPT, 18 March 1848.
281. MONTREAL GAZETTE, 20 March 1848.
282. GLOBE, 25 March 1848.
283. MONTREAL GAZETTE, 20 March 1848.
284. MONTREAL TRANSCRIPT, 18 March 1848.
285. GLOBE, 25 March 1848.
286. MONTREAL GAZETTE, 20 March 1848.
287. PILOT, 21 March 1848.
288. MONTREAL GAZETTE, 20 March 1848.
289. PILOT, 21 March 1848.
290. GLOBE, 25 March 1848.
291. PILOT, 21 March 1848.
292. MONTREAL GAZETTE, 20 March 1848.
293. PILOT, 21 March 1848.
294. GLOBE, 25 March 1848.
295. PILOT, 21 March 1848.
296. MONTREAL GAZETTE, 20 March 1848.
297. GLOBE, 25 March 1848.
298. PILOT, 21 March 1848.
299. IBID.
300. MONTREAL TRANSCRIPT, 18 March 1848.
301. PILOT, 21 March 1848.
302. IBID.
303. MONTREAL GAZETTE, 20 March 1848.
304. PILOT, 21 March 1848.
305. MONTREAL GAZETTE, 20 March 1848.
306. PILOT, 21 March 1848.
307. MONTREAL GAZETTE, 20 March 1848.
308. PILOT, 21 March 1848.
309. MONTREAL TRANSCRIPT, 18 March 1848.
310. PILOT, 21 March 1848.
311. MONTREAL GAZETTE, 20 March 1848.
312. PILOT, 21 March 1848.
313. MONTREAL TRANSCRIPT, 18 March 1848.
314. PILOT, 21 March 1848.
315. MONTREAL TRANSCRIPT, 18 March 1848.
316. MONTREAL GAZETTE, 20 March 1848.
317. PILOT, 21 March 1848.

318. IBID. According to the MONTREAL GAZETTE, 20 March 1848, Holmes spoke "with great warmth".
319. PILOT, 21 March 1848.
320. IBID.
321. IBID.
322. IBID., which noted that Holmes spoke "with some warmth."
323. PILOT, 21 March 1848.
324. IBID.
325. IBID.
326. MONTREAL GAZETTE, 20 March 1848.
327. PILOT, 21 March 1848.
328. MONTREAL GAZETTE, 20 March 1848.
329. PILOT, 21 March 1848.
330. IBID., which noted that Nelson "addressed the House at some length".
331. MONTREAL GAZETTE, 20 March 1848.
332. MONTREAL TRANSCRIPT, 18 March 1848.
333. MONTREAL GAZETTE, 20 March 1848.
334. MONTREAL TRANSCRIPT, 18 March 1848.
335. MONTREAL GAZETTE, 20 March 1848.
336. MONTREAL TRANSCRIPT, 18 March 1848.
337. MONTREAL GAZETTE, 20 March 1848.
338. MONTREAL TRANSCRIPT, 18 March 1848.
339. MONTREAL GAZETTE, 20 March 1848.
340. PILOT, 21 March 1848.
341. MONTREAL GAZETTE, 20 March 1848.
342. MONTREAL TRANSCRIPT, 18 March 1848.
343. MONTREAL GAZETTE, 20 March 1848, which reported that after this point there occurred "considerable discussion during which the House showed signs of impatience."
344. PILOT, 21 March 1848.
345. IBID.
346. IBID.
347. MONTREAL TRANSCRIPT, 18 March 1848.
348. PILOT, 21 March 1848.
349. MONTREAL TRANSCRIPT, 18 March 1848.
350. PILOT, 21 March 1848.
351. IBID.
352. IBID.
353. IBID.
354. IBID.

FRIDAY, 17 MARCH 1848.¹

3 O'Clock, P.M.

(53)

Stormont
Election.²

THE hour appointed for taking into consideration the Petition of D. AE. Macdonell, Esquire, candidate at the late Election of a Member for the County of Stormont, and others, Electors of the said County, complaining of the undue Election and Return of Alexander M'Lean, Esquire, to represent the said County in this present Parliament, being come;

For one hour the hon. members sit quiet, and look at one another.³

(53)

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

MR. MORIN. Precisely as the clock strikes the hour appointed to strike the Committee, the Speaker cries, "Order, order!"⁴

The Speaker then says: Mr. Sergeant-at-Arms, you will please to go to the places adjacent, and desire the attention of the hon. members of the House, on the business of the House.⁵

(53)

The Serjeant at Arms was directed by Mr. Speaker, to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.

The Sergeant-at-Arms shoulders the mace, and ... ((searches)) the Reading Room, Dolly's, the Committee-rooms, &c.,⁶

(53)

And being returned,--

The Sergeant-at-Arms replaces his mace and makes a profound salaam.⁷

(53)

the House was called;

The Clerk reads the Roll, and the members answer to their names, which are taken down.⁸

(53)

and more than thirty Members being present,

MR. MORIN then says: "the parties in the case will appear at the bar, personally or by their counsel."⁹

(53)

Mr. Speaker called upon the Petitioners, their counsel, or agent, to appear at the bar.

D. AE. Macdonell, Esquire, appeared at the bar in his own behalf.

Mr. Speaker called upon the sitting Member, his counsel, or agent, to appear.

Murdoch Morrison, Esquire, appeared at the bar as counsel for the sitting Member.¹⁰

MR. MORIN then said: "Mr. McDonell, have you a list of witnesses in this case to give in?"¹¹

(53)

Mr. Macdonell presented a List of Witnesses, in his own behalf, which was read by the Clerk, as followeth:--

1. James Pringle, Returning Officer.
2. William Carpenter, of the Town of Cornwall.
3. John Macdonald, Deputy Returning Officer for the Township of Cornwall.
4. Alexander Macdonald, son of the former.
5. Peter Carter, of Roxborough.
6. Terence Gallacher, of the Township of Roxborough.

MR. MORIN ((put)) the same question ... to Mr. Morrison,¹²

(53)

Mr. Morrison handed in a List of Witnesses required on behalf of the sitting Member, which was also read by the Clerk, as followeth:--

NAMES.

RESIDENCE.

| | | | |
|-----------------------|----------|----|-------|
| Neil M'Lean | Township | of | Finch |
| Alexander M'Lean | do. | | do. |
| Hugh Corbett | do. | | do. |
| Duncan B. M'Millan | do. | | do. |
| John M'Leod | do. | | do. |
| Duncan Grant | do. | | do. |
| Duncan M'Millan | do. | | do. |
| Duncan M'Pherson | do. | | do. |
| John Chrysler | do. | | do. |
| Donald M'Innis | do. | | do. |
| Alexander Cameron | do. | | do. |
| Ewen B. Cameron | do. | | do. |
| John M'Millan | do. | | do. |
| Alexander M'Leod | do. | | do. |
| Francis Hetherington | do. | | do. |
| Alexander Hume, sen. | do. | | do. |
| Samuel Gregory | do. | | do. |
| John D. Cameron | do. | | do. |
| John Cockburn, sen. | do. | | do. |
| Samuel Sutherland | do. | | do. |
| John M'Lean | do. | | do. |
| John M'Intyre | do. | | do. |
| Colin M'Intyre | do. | | do. |
| John M'Innis | do. | | do. |
| John Sutherland | do. | | do. |
| Christopher Cheney | do. | | do. |
| Alexander M'Millan | do. | | do. |
| Henry Hetherington | do. | | do. |
| John A. M'Millan | do. | | do. |
| Laughlin M'Lean | do. | | do. |
| Alexr. B. M'Millan | do. | | do. |
| John D. Cameron, jun. | do. | | do. |

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| John M'Lean | do. | do. |
| James Cockburn | do. | do. |
| Adam Cockburn | do. | do. |
| Alexander M'Gruer | do. | do. |
| John Link | do. | do. |
| Richard Furney | do. | do. |
| Conrad Rupert | do. | do. |
| Alexander Cameron | do. | do. |
| Andrew Cockburn | do. | do. |
| Hugh D. M'Millan | do. | do. |
| Archibald T. M'Millan | do. | do. |
| David Steele | do. | do. |
| Peter Cockburn | do. | do. |
| Dougall Cameron | do. | do. |
| George Munro | do. | do. |
| John Droppo | do. | do. |
| Francis Droppo | do. | do. |
| James Stephen | do. | do. |
| John M'Master | do. | do. |
| Archibald Stephen | do. | do. |
| Thomas Feely | do. | do. |
| William Stephenson | do. | do. |
| John Smirl | do. | do. |
| John Munro | do. | do. |
| James Chrysler | do. | do. |
| Alexander M'Phail | do. | Cornwall |
| Nathaniel Wood | do. | do. |
| Jacob Smith | do. | do. |
| Austin Sherer | do. | do. |
| Benjamin G. French | do. | do. |
| Jacob Gollinger | do. | do. |
| Joseph Beron | do. | do. |
| Francis Javeau | do. | do. |
| Henry Crawford | do. | do. |
| Philip Silmsee | do. | do. |
| George Cline | do. | do. |
| Archibald M'Donell | do. | do. |
| Duncan Kennedy | do. | do. |
| John Hartle | do. | do. |
| Joseph M'Ewen | do. | do. |
| John F. Poapst | do. | do. |
| George Poapst | do. | do. |
| Dougall M'Millan | do. | do. |
| George Bender | do. | do. |
| Tunis Hart | do. | do. |
| Daniel Aulgyre | do. | do. |
| Robert Thomson | do. | do. |
| Angus M'Donald | do. | do. |
| Michael Myers | do. | do. |
| Ronald M'Donell | do. | do. |

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| Alexander M'Leod | do. | do. |
| James Edgar | do. | do. |
| George Robinson | do. | do. |
| Jacob Aulgyre | do. | do. |
| Michael Gollinger | do. | do. |
| Donald M'Donald | do. | do. |
| William M'Laughlin | do. | do. |
| James Conlin | do. | do. |

(54)

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| William Cline | do. | do. |
| James Myers | do. | do. |
| William Millroy | do. | do. |
| John Cline | do. | do. |
| Robert Eastman | do. | do. |
| Patrick Corcoran | do. | do. |
| David Thompson | do. | do. |
| Benjamin Thompson | do. | do. |
| David Ransbaugh | do. | do. |
| Duncan M'Donell | do. | do. |
| Matthias Snitzinger | do. | do. |
| Joel Eastman | do. | do. |
| Abraham Marsh | do. | do. |
| Sewel Cutler | do. | do. |
| William Miller | do. | do. |
| Alexander Mullen | do. | do. |
| James Robinson | do. | do. |
| Robert M'Kay | do. | do. |
| Hugh M'Collum | do. | do. |
| John M'Donell | do. | do. |
| John Hunter | do. | do. |
| William Gillespie | do. | do. |
| Malcolm Campbell | do. | do. |
| Alexander Kirk | do. | do. |
| Francis Campbell | do. | do. |
| Hector Manson | do. | do. |
| Charles Letrace | do. | do. |
| Charles M. Cameron | do. | do. |
| Godfrey Meyers | do. | do. |
| Hugh Thompson | do. | do. |
| George Anderson | do. | do. |
| Thomas Goodwin | do. | do. |
| Henry Selmyer | do. | do. |
| Thomas Johnston | do. | do. |
| Mathew Orr | do. | do. |
| James Pringle | do. | do. |
| Alexander Gillespie | do. | do. |
| Robert Atcheson | do. | do. |
| Rufus Johnston | do. | do. |
| Thomas Kennedy | do. | do. |
| William Atcheson | do. | do. |

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| Andrew M'Connell | do. | do. |
| Owen Dignam | do. | do. |
| Brock Anderson | do. | do. |
| Henry Runyons | do. | do. |
| Levi Barnhart | do. | do. |
| Kenneth M'Lellan | do. | do. |
| Donald M'Lellan | do. | do. |
| Farquhar M'Crae | do. | do. |
| Solomon Y. Chesley | do. | do. |
| Michael J. Anderson | do. | do. |
| James Hunter | do. | do. |
| Christopher Gollinger | do. | do. |
| George Crawford | do. | do. |
| Levi S. Eastman | do. | do. |
| Duncan M'Tavish | do. | do. |
| John Tully. | do. | do. |
| Robert Craig | do. | do. |
| Patrick Mulhoon | do. | do. |
| Allan M'Donell | do. | do. |
| Harmanus Gollinger | do. | do. |
| William Wade | do. | do. |
| John Moore | do. | do. |
| Daniel Daley | do. | do. |
| Samuel Runnions | do. | do. |
| Daniel Prescott | do. | do. |
| Benjamin French | do. | do. |
| James Smart | do. | do. |
| Nathan Groves | do. | do. |
| James Groves | do. | do. |
| John Wright | do. | do. |
| Thomas Pendergrast | do. | do. |
| David Prescott | do. | do. |
| Alexander M'Nairn | do. | do. |
| Martin M'Martin | do. | do. |
| William Wood | do. | do. |
| William M'Intosh | do. | do. |
| Jeremiah Vanduzer | do. | do. |
| Michael Kelly | do. | do. |
| Donald Kennedy | do. | do. |
| William Leach | do. | do. |
| William Widod | do. | do. |
| James D. Pringle | do. | do. |
| Donald M'Donald | do. | do. |
| William Polly | do. | do. |
| James Rae | do. | do. |
| Michael Eamer | do. | do. |
| William Eamer | do. | do. |
| John Dixon | do. | do. |
| Adam L. Dixon | do. | do. |
| John Irvine | do. | do. |
| Joseph Tilton | do. | do. |
| John N. M'Lean | do. | do. |
| James Milroy | do. | do. |

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| Robert Milroy | do. | do. |
| Alexander M'Cracken | do. | do. |
| Alexander Gillespie | do. | do. |
| Michael Cline | do. | do. |
| Henry Rupert | do. | do. |
| John Kennedy | do. | do. |
| Angus M'Phail | do. | do. |
| Duncan Scott | do. | do. |
| Jacob Aulgyre | do. | do. |
| Alvin Kezar | do. | Osnabruck |
| Nicholas Eaman | do. | do. |
| Thomas E. Johnson | do. | do. |
| Thomas H. Maxwell | do. | do. |
| James M'Bride | do. | do. |
| George Bancroft | do. | do. |
| Thomas Anderson | do. | do. |
| John R. Smith | do. | do. |
| William Hoople | do. | do. |
| Martin Fetterly | do. | do. |
| William Cairns | do. | do. |
| John M'Nairn | do. | do. |
| Adam Eligh | do. | do. |
| Christopher Blakely | do. | do. |
| Hiram Baker | do. | do. |
| Jacob W. Empey | do. | do. |
| John Castleman | do. | do. |
| Ira Baker | do. | do. |
| Stephen Wood | do. | do. |
| John Fulton | do. | do. |
| Jacob Shaver | do. | do. |
| Hiram Barnhart | do. | do. |
| James Martin | do. | do. |
| John Stuart | do. | do. |
| Adam Weart | do. | do. |
| David Weart | do. | do. |
| Henry Langle | do. | do. |
| Thomas Dorothy | do. | do. |
| Philip Eligh | do. | do. |
| Leslie Foster | do. | do. |
| Irvine Hethrington | do. | do. |
| John Markle, Senior | do. | do. |
| David Doran | do. | do. |
| David M'Laughlan | do. | do. |
| Daniel M'Laughlin | do. | do. |
| John Jardine | do. | do. |
| John Groves | do. | do. |
| James Eastman | do. | do. |
| Charles M'Clafferty | do. | do. |
| Charles M'Gill | do. | do. |
| Isaac Eastman | do. | do. |
| Solomon Eastman | do. | do. |

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| James Cairns | do. | do. |
| John P. Chrysler | do. | do. |
| Donald M'Intyre | do. | do. |
| Michael Pillar | do. | do. |
| William Kyle | do. | do. |

(55)

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| Daniel T. Broffle | do. | do. |
| John S. Weart | do. | do. |
| Richard Bingham | do. | do. |
| Archibald Smyth | do. | do. |
| John Waldroff | do. | do. |
| Joseph Adams | do. | do. |
| James Steen | do. | do. |
| Joseph Smith | do. | do. |
| James Doherty | do. | do. |
| John Poapst, Senior | do. | do. |
| Gilbert Morgan | do. | do. |
| Michael Ross | do. | do. |
| Henry Bredin | do. | do. |
| Robert Steen | do. | do. |
| Robert Pitts | do. | do. |
| Robert Erskine | do. | do. |
| John Jackson | do. | do. |
| William Doherty | do. | do. |
| Guy Sheeks | do. | do. |
| Hiram Wood | do. | do. |
| Samuel Rombaugh | do. | do. |
| John Adams | do. | do. |
| William Hutchins | do. | do. |
| George G. Gollinger | do. | do. |
| Henry Caple | do. | do. |
| George P. Wearley | do. | do. |
| Henry Gollinger | do. | do. |
| William Neil | do. | do. |
| John Neil | do. | do. |
| Arthur Neil | do. | do. |
| Edward Johnston | do. | do. |
| John J. Bockus | do. | do. |
| William Ray | do. | do. |
| Peter Eligh | do. | do. |
| George Hart | do. | do. |
| George Letrace | do. | do. |
| James E. Dickson | do. | do. |
| Gilbert Stuart | do. | do. |
| John Smith | do. | do. |
| John Johnston | do. | do. |
| William M'Nairn | do. | do. |
| John Kelly | do. | do. |
| Robert Packer | do. | do. |
| Alpheus Empey | do. | do. |

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| William Robinson | do. | do. |
| John Campbell | do. | do. |
| Edward Baker | do. | do. |
| John Anderson | do. | do. |
| Thomas Moss | do. | do. |
| Peter Wenly, sen. | do. | do. |
| George Fetterly | do. | do. |
| David Snyder | do. | do. |
| Conrad Weart | do. | do. |
| Paul Crowder | do. | do. |
| John Batterly | do. | do. |
| George H. Eaman | do. | do. |
| Jacob Cook | do. | do. |
| Frederick Fetterly | do. | do. |
| John J. Baker | do. | do. |
| George G. Wenly | do. | do. |
| Alexander Steen | do. | do. |
| William Colquhoun | do. | do. |
| John J. Rombaugh | do. | do. |
| Thomas Maxwell | do. | do. |
| John Hutchins | do. | do. |
| Daniel Shaver | do. | do. |
| Philip W. Empey | do. | do. |
| Richard Prosser | do. | do. |
| Charles Fetterly | do. | do. |
| Joseph Bancroft | do. | do. |
| William Bird | do. | do. |
| Nicholas Shaver | do. | do. |
| George Sampson | do. | do. |
| Jacob Cramer | do. | do. |
| William Empey | do. | do. |
| David S. Miller | do. | do. |
| Willard Hutchins | do. | do. |
| William Mann | do. | do. |
| William Snyder | do. | do. |
| George Steen | do. | do. |
| Harvey Warner | do. | do. |
| Robert K. Bullock | do. | do. |
| Duncan M'Callum | do. | Roxborough |
| Neil M'Donald | do. | do. |
| David Munro | do. | do. |
| William Munro | do. | do. |
| Nelson Montgomery | do. | do. |
| Daniel Montgomery | do. | do. |
| Levi Montgomery | do. | do. |
| John Montgomery | do. | do. |
| Alexander M'Ewen | do. | do. |
| Andrew Stephenson | do. | do. |
| John Stephenson | do. | do. |
| Thomas Stephenson | do. | do. |

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| <i>Peter Stephenson</i> | <i>do.</i> | <i>do.</i> |
| <i>Henry Feek</i> | <i>do.</i> | <i>do.</i> |
| <i>William Boyce</i> | <i>do.</i> | <i>do.</i> |
| <i>William Boyd</i> | <i>do.</i> | <i>do.</i> |
| <i>Samuel Hough</i> | <i>do.</i> | <i>do.</i> |
| <i>John Johnston</i> | <i>do.</i> | <i>do.</i> |
| <i>Matthew Meek</i> | <i>do.</i> | <i>do.</i> |
| <i>John Martin</i> | <i>do.</i> | <i>do.</i> |
| <i>Henry Hart</i> | <i>do.</i> | <i>do.</i> |
| <i>Joseph Howe</i> | <i>do.</i> | <i>do.</i> |
| <i>Charles Howe</i> | <i>do.</i> | <i>do.</i> |
| <i>George Johnston</i> | <i>do.</i> | <i>do.</i> |
| <i>John Kennedy</i> | <i>do.</i> | <i>do.</i> |
| <i>William M'Intyre</i> | <i>do.</i> | <i>do.</i> |
| <i>Duncan M'Dermid</i> | <i>do.</i> | <i>do.</i> |
| <i>Donald Forbes</i> | <i>do.</i> | <i>do.</i> |
| <i>George Hough</i> | <i>do.</i> | <i>do.</i> |
| <i>Murdoch Macaulay</i> | <i>do.</i> | <i>do.</i> |
| <i>Angus Macaulay</i> | <i>do.</i> | <i>do.</i> |
| <i>Malcolm Macdonell</i> | <i>do.</i> | <i>do.</i> |
| <i>Duncan M'Rae</i> | <i>do.</i> | <i>do.</i> |
| <i>Duncan M'Rae</i> | <i>do.</i> | <i>do.</i> |
| <i>Robert Tait</i> | <i>do.</i> | <i>do.</i> |
| <i>William Montgomery</i> | <i>do.</i> | <i>do.</i> |
| <i>John M'Cuaig</i> | <i>do.</i> | <i>do.</i> |
| <i>Levi Montgomery</i> | <i>do.</i> | <i>do.</i> |
| <i>Duncan M'Eachern</i> | <i>do.</i> | <i>do.</i> |
| <i>Duncan M'Kircher</i> | <i>do.</i> | <i>do.</i> |
| <i>Alexander Kinneear</i> | <i>do.</i> | <i>do.</i> |
| <i>George Kinneear</i> | <i>do.</i> | <i>do.</i> |
| <i>Richard M'Intosh</i> | <i>do.</i> | <i>do.</i> |
| <i>Joseph Blair</i> | <i>do.</i> | <i>do.</i> |
| <i>James Blair</i> | <i>do.</i> | <i>do.</i> |
| <i>George Ross</i> | <i>do.</i> | <i>do.</i> |
| <i>Peter M'Rae</i> | <i>do.</i> | <i>do.</i> |
| <i>Hugh Rathburn</i> | <i>do.</i> | <i>do.</i> |
| <i>Donald M'Millan</i> | <i>do.</i> | <i>do.</i> |
| <i>Edward Blair</i> | <i>do.</i> | <i>do.</i> |
| <i>Robert Blair</i> | <i>do.</i> | <i>do.</i> |
| <i>Donald M'Ewan</i> | <i>do.</i> | <i>do.</i> |
| <i>John M'Lennan</i> | <i>do.</i> | <i>do.</i> |
| <i>John Shea</i> | <i>do.</i> | <i>do.</i> |
| <i>Donald M'Rae</i> | <i>do.</i> | <i>do.</i> |
| <i>John M'Intosh</i> | <i>do.</i> | <i>do.</i> |
| <i>Thomas Appleton</i> | <i>do.</i> | <i>do.</i> |
| <i>Michael Reynolds</i> | <i>do.</i> | <i>do.</i> |
| <i>James Shea</i> | <i>do.</i> | <i>do.</i> |
| <i>Michael Purcell</i> | <i>do.</i> | <i>do.</i> |
| <i>Thomas Waddell</i> | <i>do.</i> | <i>do.</i> |
| <i>William Cumming</i> | <i>do.</i> | <i>do.</i> |
| <i>John Robertson</i> | <i>do.</i> | <i>do.</i> |

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| Cornelius Montgomery | do. | do. |
| Hiram Eastman | do. | do. |
| Alexander M'Donald | do. | do. |

(56)

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| Alexander M'Dougall | do. | do. |
| John M'Ewen | do. | do. |
| Samuel Hart | do. | do. |

MR. MORIN then says: "Mr. Sergeant-at-Arms, you will please to see that the doors are locked."¹³

(56)

Mr. Speaker then desired the Serjeant at Arms to lock the doors.

And the doors being locked accordingly; and the Order of the day for taking into consideration the said Petition being read,

MR. MORIN then produces a small tin canister, carefully sealed up, and with a note attached to it; he presents it to the House.¹⁴

The Clerk cuts off the note¹⁵.

(56)

the attestation of Mr. Speaker was taken from off the box in which, agreeably to the Statute, the names of all the Members of the House were sealed up; and the same was read by the Clerk as followeth:--

((The)) declaration ... of Mr. Speaker ((stated)) that there was made up in his presence the day previous certain rolls of paper, each containing the name of an hon. member, that there was such a roll made up for the 84 members of the House, that they were all placed and nothing more in the accompanying tin box, and thereupon carefully sealed up.¹⁶

(56)

I attest that this box was, on the sixteenth day of March, 1848, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

A. N. Morin,
Speaker.

The Clerk then breaks the other seals.¹⁷

(56)

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him; as followeth:--

I attest that I did, on Thursday, the sixteenth day of March, 1848, in presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed

in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly," and to make more effectual provision for such trials."

W. B. Lindsay,
Clerk Assembly.

MR. MORIN.--The Clerk then empties the little rolls into three wooden boxes, ((and)) shakes them up¹⁸.

(56)

The names of all the members were then taken out of the box, and put into three other boxes.

MR. MORIN. ((The Clerk)) then proceeds to draw one at a time, handing it to the Speaker Mr. Morin who opens it and reads the name aloud. The Clerk of Committees taken down the names as drawn, until 23 names have been called, of members present and competent to sit on a Grenville Committee.¹⁹

(56)

The drawing of the names was then proceeded in, the usual manner; and the following names were drawn, to which no objection was taken --

- | | |
|-------------------------------|----------------------------|
| 1 <u>Gugy,</u> | 13 <u>Badgley,</u> |
| 2 <u>Beaubien,</u> | 14 <u>Chabot,</u> |
| 3 <u>Bell,</u> | 15 <u>Hall</u> |
| 4 <u>Armstrong,</u> | 16 <u>Duchesnay,</u> |
| 5 <u>Robinson,</u> | 17 <u>Morrison,</u> |
| 6 <u>Taché,</u> | 18 <u>Malloch,</u> |
| 7 <u>Burritt,</u> | 19 <u>Seymour,</u> |
| 8 <u>Thompson,</u> | 20 <u>Bouthillier,</u> |
| 9 <u>Crysler,</u> | 21 <u>Cauchon,</u> |
| 10 <u>Boulton of NORFOLK,</u> | 22 <u>Notman,</u> |
| 11 <u>Wilson,</u> | 23 <u>Smith of DURHAM.</u> |
| 12 <u>Jobin,</u> | |

Nine other names were drawn and set aside, or excused, as follows:--
Three against whom Petitions are pending.
One who was excused.
Five who were absent.

MR. MORIN then said: "Mr. McDonell, whom do you chose for your nominee?"²⁰

MR. MACDONELL.--Mr. Drummond.²¹

(56)

Mr. Drummond was chosen Nominee for the Petitioners.

MR. MORIN ((put)) the same question ... to Mr. McLean²².

MR. MCLEAN named Mr. John A. McDonald.²³

(56)

The Honorable Mr. Macdonald was chosen Nominee for the sitting Member. At thirty-five minutes past four, P.M., the parties, with Alfred Todd, Esquire, Clerk of the Select Committee, retired for the purpose of striking the said Committee.

The forty-one names remaining in the boxes undrawn were read by the Clerk. At a quarter to five o'clock, P.M., the Clerk of the Select Committee delivered to the Clerk of the House, a List containing the names of the nine Members unstruck, composing the Select Committee; which is as followeth:--

1 Bell,
 2 Taché,
 3 Thompson,
 4 Boulton of NORFOLK,
 5 Jobin,

6 Hall,
 7 Duchesnay,
 8 Morrison,
 9 Bouthillier,

Nominee of the Petitioner, Mr. Drummond.

Nominee for the sitting Member, the Honorable Mr. Macdonald.

Alfred Todd,

Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. Macdonald of Glenarry, seconded by Mr. Richards,

Ordered, That the Select Committee appointed to try the merits of the Petition of D. AE. Macdonell, Esquire, candidate at the late Election of a Member for the County of Stormont, and others, Electors of the said County, complaining of the undue Election and Return of Alexander M'Lean, Esquire, to represent the said County in this present Parliament, do meet in the Committee Room No. 4, at twelve o'clock, noon, to-morrow.

Cornwall
Election.

The hour appointed for taking into consideration the Petition of Charles Ratray, Esquire, and others, Electors of the Town of Cornwall, complaining of the undue Election and Return of the Honorable John Hillyard Cameron, Esquire, as a Member to represent the said Town of Cornwall in the present Parliament, being come;

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Serjeant at Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.

And having returned,--the House was called; and more than thirty Members being present,

Mr. Speaker called upon the Petitioners, their counsel, or agent, to appear at the bar.

D. AE. Macdonell, Esquire, appeared at the bar as agent for the Petitioners.

Mr. Speaker called upon the sitting Member, his counsel, or agent, to appear.

The Honorable Mr. Cameron appeared in his place in his own behalf.

Mr. Macdonell presented a list of Witnesses on behalf of the Petitioners, which was read by the Clerk, as followeth:--

| | |
|--------------------------------|------------------|
| James Dunbar Pringle, Esquire, | <u>Cornwall.</u> |
| Heram Pitts, Yeoman, | do. |
| William M. Park, Watchmaker, | do. |
| James J. Dickenson, Physician, | do. |
| Charles Poole, Gentleman, | do. |
| Jacob Carpenter, Carpenter, | do. |
| Daniel Daly, Saddler, | do. |
| Solomon Y. Chesley, Esquire, | <u>Montreal.</u> |

Philip Vankoughnet, Esquire,

Cornwall.

The Honorable Mr. Cameron handed in a list of Witnesses on his own behalf, which was also read by the Clerk, as followeth:--

| | |
|-----------------|-----------|
| J. F. Pringle, | Cornwall, |
| F. Pringle, | do. |
| S. Chesley, | Montreal, |
| P. Vankoughnet, | Cornwall, |
| W. Waggoner, | do. |

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| | |
|-----------------|-----|
| J. Carpenter, | do. |
| J. Hart, | do. |
| John Sartinger, | do. |
| Hugh M'Callum, | do. |
| W. R. Wood, | do. |

Mr. Speaker then desired the Serjeant at Arms to lock the doors.

And the doors being locked accordingly; and the Order of the day for taking the said Petition into consideration being read, the attestation of Mr. Speaker was taken from off the box in which, agreeably to the Statute, the names of all the Members of the House were sealed up; and the same was read by the Clerk, as followeth:--

I attest that this box was, on the sixteenth day of March, 1848, made up in my presence, in the manner directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled, 'An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

A. N. Morin,
Speaker.

The box was then opened, and the attestation of the Clerk was taken out of the box, and read by him, as followeth:--

I attest that I did, on Thursday, the sixteenth day of March, 1848, in presence of the Speaker of this House, put into a box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and rolled up as directed by an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled, "An Act to repeal an Act passed in the forty-fifth year of his late Majesty's Reign, intituled, "An Act to regulate the trial of Controverted Elections, or Returns of Members to serve in the House of Assembly,' and to make more effectual provision for such trials."

W. B. Lindsay,
Clerk Assembly.

The names of all the Members were then taken out of the box, and put into three other boxes.

The drawing of the names was then proceeded in, in the usual manner; and the following names were drawn, to which no objection was taken:--

| | |
|------------------------|----------------------------------|
| 1 Sir Allan N. MacNab, | 3 <u>Sherwood</u> of BROCKVILLE, |
| 2 <u>Dumas</u> , | 4 <u>Davignon</u> . |

5 Egan,
 6 Mongenais,
 7 Guillet,
 8 M'Connell,
 9 Smith of DURHAM,
 10 Prince,
 11 Laurin,
 12 Bouthillier,
 13 Cauchon,
 14 Drummond,

15 Wilson,
 16 Crysler,
 17 Fourquin,
 18 Sauvageau,
 19 Stevenson,
 20 Robinson,
 21 Duchesnay,
 22 Marquis,
 23 Papineau.

Six other names were drawn and set aside, or excused, as follows:--
 Three against whom Petitions are pending.

Three who were absent.

Mr. Richards was chosen Nominee for the Petitioners.

Mr. Chauveau was chosen Nominee for the sitting Member.

At half-past five o'clock, P.M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

The forty-four names remaining in the boxes undrawn, were read by the Clerk.

At twenty minutes to six o'clock, P.M., the Clerk of the Select Committee delivered to the Clerk of the House, a List containing the names of the nine Members unstruck, composing the Select Committee, which is as followeth:--

| | |
|---------------------|---------------------|
| 1 <u>Dumas,</u> | 6 <u>Sauvageau,</u> |
| 2 <u>Egan,</u> | 7 <u>Stevenson,</u> |
| 3 <u>Mongenais,</u> | 8 <u>Duchesnay,</u> |
| 4 <u>M'Connell,</u> | 9 <u>Marquis.</u> |
| 5 <u>Drummond,</u> | |

Nominee for the Petitioner, Mr. Richards.

Nominee for the sitting Member, Mr. Chauveau.

Alfred Patrick,
 Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table, by the Clerk, in the usual manner.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Smith of Durham, Ordered, That the Select Committee appointed to try the merits of the Petition of Charles Rattray, Esquire, and others, Electors of the Town of Cornwall, complaining of the undue Election and Return of the Honorable John Hillyard Cameron, Esquire, as a Member to represent the said Town of Cornwall in this present Parliament, do meet in Committee Room, No. 5, to-morrow, at one o'clock, P.M.

Waterloo
Election.

Mr. Speaker acquainted the House, That John Smith, Esquire, Benjamin Holmes, Esquire, and the Honorable Francois Hincks, had entered into the usual Recognizance required by law, on the subject-matter of the Contested Election for the County of Waterloo.

Message from
His Excellency.

The Honorable Mr. Boulton delivered to Mr. Speaker, a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Debentures.

ELGIN AND KINCARDINE,

The Governor General recommends to the Legislative Assembly that means should be adopted to authorize the issue of Debentures, on the credit of the Province, to an extent not exceeding one hundred and twenty-five thousand pounds, for the purpose of meeting the exigencies of the public service connected with the Public Works, and of sustaining the credit of the Province in that branch of the public service.

Government House,

Montreal, 17th March, 1848.

Great Western
Railroad.

The Honorable Mr. Boulton presented, pursuant to an Address to His Excellency the Governor General,--

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 16th instant, praying that His Excellency would be pleased to cause to be laid before them "the Correspondence which has taken place between the Government and the Great Western Railroad Company."

Appendix (Q.)

For the said Return, see Appendix (Q.)

SIR A. MACNAB ((moved that)) the papers laid before the House by command of His Excellency the Governor General, were referred to the standing committee on Railroads and Telegraphs.²⁵

(57)

Ordered, That the said Return be referred to the Standing Committee on Railways and Telegraph Lines.

Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Johnson,--The Petition of T. J. Forbes and others, of Hawkesbury.
By Mr. Egan,--The Petition of John Macawley of Buckingham, in the County of Ottawa, Teacher.

(58)

By the Honorable Mr. Macdonald,--The Petition of the City Council of the City of Kingston.

SIR A. MACNAB²⁶ presented a petition signed by Parson Bettridge and some 400 others, against a petition from certain inhabitants of the County of Oxford, complaining of Mr. Vansittart's conduct as Returning Officer at the late election. Parson Bettridge and his friends testify to the general good character of Vansittart, and pledge their "united, cordial, and unhesitating assurance" in favour of his impartiality²⁷ and ... ((find)) him utterly incapable of acting from the motives ascribed to him, in a series of resolutions and a memorial adopted at a meeting in East Oxford. He (Sir Allan) knew Mr. Vansittart, and all he could say was, that every word in that memorial he believed to be true: he believed him to be a gentleman entirely incapable

of acting in the manner ascribed to him. He was perfectly satisfied that if he had acted wrongly, it was a matter of the head and not of the heart. (Hear, hear.)²⁸

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By Sir Allan N. MacNab,--The Petition of Edmund Deedes and others, of the County of Oxford.

By Mr. Bell,--The Petition of James Atchison and others, of the Village of Smith's Falls, in the County of Bathurst; and the Petition of William Bell, A.M., and others, of the District of Bathurst.

By Mr. Chabot,--The Petition of Jean Bélanger and others, sufferers by the fires in Quebec in the year 1845.

MR. MORIN ruled against receiving a petition signed by the Attorney of a petitioner. Parties memorializing the House of Assembly, must sign for themselves.²⁹

(58)

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the District of Simcoe; representing that the appropriation of thirty thousand pounds for the improvement of Roads in the said District was not applied according to the intention of the Act, owing to a mistake; and praying the consideration of the House, and relief in the premises.

Of Charles Emond, President, and others, the Trustees of the Academy of Berthier; praying the usual aid in support of that Institution.

Of William M'Donnell and others, of the Townships of Ops, Mariposa, Eldon, and Fenelon; praying aid to improve the main or central Road through the Townships of Ops and Mariposa.

Of the Corporation of the College of Chambly; praying aid in support of that Institution.

Of Charles R. Ellis, of the Township of Toronto; praying for certain amendments to the Common School Law.

Of James Douglas of the Township of Toronto, in the Home District; complaining of the conduct of the Reverend Mr. M'Grath in relation to a certain lot of land now occupied by the Petitioner, and praying to be allowed to purchase the lot from the Government, and that the Reverend Mr. M'Grath be compelled to pay over to the Government the money received by him on account of the said land.

Of William Bradley and others, of the Township of Caledonia, in the District of Ottawa; praying that a certain Road allowance in that Township may be granted to the said William Bradley, in lieu of an allowance made by him for a like purpose.

Of Robert W. S. Mackay, of the City of Montreal; representing the pecuniary loss sustained by him in the publication of a Topographical and Pictorial Map of the City of Montreal, and praying relief.

Of F. T. C. Arnoldi, M.D., and others, Medical Practitioners of the City of Montreal; praying that the School of Medicine and Surgery of Montreal, and the Medical Faculty of the University of M'Gill College, may be placed upon an equality and perpetuated by a grant of money commensurate with their duties.

Of Mrs. Adèle B. LaFontaine and other Ladies having the care of the Montreal Lying-in-Hospital; praying a grant of money in aid of that Institution.

Of the Corporation of the Montreal General Hospital; praying an increased aid.

Of Richard E. Vidal and others, of the Townships of Sarnia and Plumpton, in the Western District; praying aid to construct a Road along the shores of Lake Huron through those Townships.

Of Joseph Huot and others, of the Township of Halifax; representing the total failure of their harvest during the past season, and that they have neither seed nor money to procure it for the approaching spring, and praying relief.

Of the President and Board of Police of the Town of St. Catharines; praying for certain amendments to the Act incorporating that Town.

Of John Macfarlane and others, of the County of Waterloo; praying for amendments to the Election Law.

Of John Ewart and others, of the City of Toronto; praying for certain amendments to the Act incorporating the Toronto Dry Dock Company.

Of John Hopkins and others, Teachers of Common Schools in the City of Kingston; praying for the amendment of the Common School Law.

Of William Simpson and others, of Smith's Falls, in the Township of Elmsley; praying the repeal of the Act 10 and 11 Vic. c. 53, relative to the boundary line between the 4th Concession of Montague and Elmsley.

Of M. F. Valois, and A.C.D. De Celles, President and Secretary of the Municipal Council of the County of Montreal; praying the repeal of the present Municipal Law, and the re-enactment of the Acts 8 Vic. c. 40 and 9 Vic. c. 78, with such alterations as may be deemed meet.

Of the Reverend A. Morin and others; praying indemnification for losses sustained during the troubles of 1837 and 1838.

Of Mrs. Margaret Lunn and Mrs. A. Durnford, the Directress and Secretary of the Committee of Management of the University Lying-in Hospital, Montreal, on behalf of the Committee; praying aid in support of that Institution.

Of John F. Elliott and James Cuthbertson; praying to be incorporated as the Root River Mining Company.

Of James Cuthbertson and others, of the City of Montreal; praying to be incorporated as the Sault de Sainte Marie Copper Company.

Of John J. Church, of the Township of Thorold, in the District of Niagara; praying compensation for the destruction of timber on his land by the labourers employed on the Deep Cut of the Welland Canal.

Of John Thornton and others, School Commissioners of the Municipality of Barnston; praying that the Superintendent of Schools may be authorized to pay over to that Municipality their proportion of the School appropriation since the 1st July, 1846.

Of the Municipal Council of the District of Talbot; praying for the passing of an Act to remove all doubts respecting the officer whose duty it is to make out the Assessment Rolls, and that the right of District Councils to appoint, remunerate and control that officer, and his duties, may be recognized.

Message from
His Excellency.

The Honorable Mr. Boulton delivered to Mr. Speaker
a Message from His Excellency the Governor General,

signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Estimates
for 1848.

ELGIN AND KINCARDINE,

The Governor General submits to the Legislative Assembly, that in order to enable Her Majesty to meet the exigencies of the Public Service connected with the Public Works, and to sustain the credit of the Province in that branch of the Public Service for the present year, there be advanced a sum not exceeding one hundred and twenty-five thousand pounds, and that to enable Her Majesty to meet the necessary and indispensable Expenses of the Government of this Province, from the first day of January, to the thirty-first day of December, in this present year, not otherwise provided for, there be advanced a sum of one hundred and forty thousand pounds; both which sums to be accounted for in detail, at the opening of the ensuing Session of the Legislature.

In relation to the foregoing subjects, the Governor General lays before the Legislative Assembly the Report of the Inspector General, with the accompanying documents.³⁰

Government House,

Montreal, 17th March, 1848.

Appendix (R.)

For the Documents accompanying the said Message, see Appendix (R.)

(59)

On motion of Sir Allan N. MacNab, seconded by Mr. Wilson,

Western Tele-
graph Company
Bill.

Ordered, That the Standing Committee on Railways and Telegraph Lines have leave to proceed forthwith to the consideration of the Bill to incorporate "The Western Telegraph Company;" and that the

sixty-third Rule of this House be suspended, as to the present motion.

Sir Allan N. MacNab, from the Standing Committee on Railways and Telegraph Lines, presented to the House the First Report of the said Committee, which was again read at the Clerk's table; and is as followeth:--

Your Committee have examined the Bill to incorporate "The Western Telegraph Company," and have made certain amendments thereunto, which they beg leave to submit for the adoption of Your Honorable House.

Ordered, That the Bill and Report be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Scott of Two Mountains took the Chair of the Committee;

A proposal was made to fix the scale of charges to be allowed the Company, and to enable the public to benefit by the Telegraph, at a reasonable rate. This would have been carried³¹.

MR. WILSON ((however)) showed the unfairness of placing the Western Company under a greater disadvantage than other similar Companies, ((but

consented)) to add a clause giving the Legislature the right to regulate the scale at any time under a general Act³².

The Bill went through.³³

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and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Scott of Two Mountains reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

On motion of Mr. Drummond, seconded by Mr. Holmes,
Supply. Ordered, That the Order of the day for the House in Committee of Supply, be postponed until Monday next; and that it be then the first Order of the day.

Ordered, That the several Messages of His Excellency the Governor General, laid before the House this day, together with the Documents accompanying the same, on the subjects of the Public Service and of the Public Works of this Province, be referred to the said Committee.

Education. Ordered, That one thousand copies of the Report of the Superintendent of Elementary Education for the year 1846-47, be printed in each of the English and French languages, for the use of the Members of this House.

On motion of Mr. Holmes, seconded by Mr. Drummond,
Expiring Laws Ordered, That the Order of the day for the House in Bill. Committee on the Bill to continue for a limited time certain Acts therein mentioned, be postponed until Monday next; and that it be then the second Order of the day.

MR. G. SHERWOOD³⁴ (Brockville) moved that the House at its rising adjourn till Saturday.³⁵

MR. DRUMMOND would not oppose the motion if the majority of the House were in favour of it.³⁶

(59)

Adjournment. Ordered, That when this House doth adjourn, it will adjourn until to-morrow, at three o'clock, P.M.

Written Memor- Ordered, That the Honorable Mr. Cameron have leave and a Bill. to bring in a Bill to render necessary written Memoranda in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

COL. GUGY³⁷ rose to call the attention of the House to the case of Mr. Ryland, formerly Clerk of the Executive Council, in Lower Canada. He contended that any gentleman in the possession of an appointment similar to

that once Mr. Ryland's had as much freedom in his office, as a landowner had in his acres. There were various pursuits by which men sought to gain fortune, or distinction; some attach themselves to professions; some seek a livelihood by following a trade or calling; some devote themselves to the service of their country; Mr. Ryland had chosen the latter path.³⁸ It seemed to him that there was no difference between the interdiction of the right of practising a profession and depriving a man of the office which furnished bread for his family. This was precisely the case of Mr. Ryland. He was engaged in the service of his country for a period of about twenty years, when suddenly,³⁹ by no fault of his own,⁴⁰ without any cause being assigned, he was deprived of that on which he relied just as much as the merchant did on the profits of his business and the citizen on his daily labour.⁴¹ Was this right? Was this just? He would state the facts of the case, in order that the House and the country might judge of the injustice which had been committed.⁴² The facts of the case were these: In the year 1841 Mr. Ryland was found in the possession of an office. Upon the change in the form of the Government of the country to that which now prevailed--Responsible Government--it was deemed expedient by the then Governor General--Lord Sydenham--to enter into a contract with Mr. Ryland for the disposal of his office for a consideration; eventually at the request of the Governor General of this Province, one possessed of Imperial power, he consented to surrender office on the condition that he should have either a pension amounting to the sum of £575⁴³, or an equivalent office for life: on these conditions he had consented to surrender his office, and was forthwith appointed Registrar of the district of Quebec⁴⁴ which he anticipated would have afforded him ample remuneration; but presently the District was divided into Counties, and he found himself not the Registrar of Quebec, the District of the emoluments which would have been considerable, but the Registrar of the County of Quebec, with scarcely any emoluments at all.⁴⁵

MR. DRUMMOND rose to inquire what part of the correspondence the hon. member required; he was, perhaps, not aware that a portion of it was already in the possession of the House.⁴⁶

COL. GUGY was not; he would take an early opportunity of specifying the documents he required; but considering, as he did, that a pledge had been given to Mr. Ryland, he was desirous of taking the earliest opportunity of taking the sense of the House on the propriety of redeeming that pledge; and it would be impossible for the House to arrive at a just conclusion without being made aware of the facts of the case. He had said then that the hon. gentleman in question had surrendered one office and received another, of which he had been deprived. In consequence of the prejudice done him by the deprivation of the second office, he applied to the Imperial Government for indemnity⁴⁷. He had the pledge of Royalty that those claims should be satisfied; and he (Col. Guky) called on the House to redeem that pledge.⁴⁸ It was right that the House should know that there had been no difference of opinion as to the justice of his claim among the different Governors General, Sir Charles Bagot, Lord Metcalfe, and, he believed, the present Governor General; all admitted his right in this matter; the same admission had been made by two of Her Majesty's Secretaries of State for the colonies,--this House, too, had adopted an address to Her Majesty unanimously praying that compensation might be made to Mr. Ryland.--Then they

had the Imperial admission and the admission of the House itself of his right, and yet⁴⁹ all settlement had been delayed from year to year until he and his family⁵⁰ were on the brink of destitution in consequence of his confidence in the Royal word. With all his respect, both personal and public, for the gentlemen comprising the late Administration, he must say that they had not taken the pains which they ought to have taken to redeem the solemn pledge which he had brought under the notice of the House.⁵¹ The Secretary of State had transmitted a dispatch favouring Mr. Ryland's demand; and the hon. member for Missisquoi, when a member of the Provincial Government⁵², was reported to have said in this House that this question was under process of adjustment⁵³; yet it seemed to him (Col. Gagy) they were as far from adjustment as ever.⁵⁴ He (Col. G.) had no talent for splitting hairs, and he could not understand what his hon. friend meant when he spoke of adjustment, if he did not mean to pay. It would have been quite as well if he had said that he did not intend to adjust it at all, if the adjustment was not to be followed by the necessary and only reasonable consequences viz., the payment of the demand (hear, hear.) These were the facts of the case. They had here that which was the most binding of all obligations--that which would be conclusive between man and man, and the violation of which in private life, would lead to an action in a court of law, the result of which could not for a moment be doubted. But it was impossible for the subject to sue the sovereign or her advisers: he could not summon them before any tribunal or in any way enforce his claim. Mr. Ryland has pressed his claim with singular ability during the last four years, but as yet he has received no fraction of that which every honest man must allow was his due. He (Col. Gagy) was told that hon. members on all sides of the House had admitted the claim of Mr. Ryland on a former occasion.⁵⁵

MR. G. SHERWOOD (Brockville)--. No, no.⁵⁶

COL. GAGY ((continued:)) He had heard of a person who was fond of decayed oysters--had a liking for them (laughter); and so he dared say that there might have been found one individual in that reverent assembly to contend that it was convenient not to pay their just debts; but he believed that the majority of the House had been of opinion that this amount was due, and ought to be paid (hear, hear.)⁵⁷ There was also another feature in the case to which he would allude in the last Parliament, although the debt was admitted;⁵⁸ only one party had contended that it was an Imperial debt and ought to be paid by the Home Government, and another party had contended that it was a Colonial debt, and devolved upon the Government of the Province;⁵⁹ so that, between the two stools, Mr. Ryland had fallen to the ground.⁶⁰ He knew no better way to bring about an adjustment of his claims, and, in plain English, a satisfactory payment, than by an appeal to the sentiments of honour and liberality of the House on his behalf. If this correspondence was granted, it would form the subject matter of an address to His Excellency; and he (Col. Gagy)⁶¹ hoped and thought a Liberal Ministry, such as that we now had, would not only⁶² willingly⁶³ assume the debt, but would pay it,⁶⁴ (hear, hear.)⁶⁵ The hon. gentleman concluded by moving, seconded by MR. WEBSTER, that an humble address be presented to His Excellency on the subject of Mr. Ryland's claims, and soliciting their immediate adjustment.⁶⁶

MR. BADGLEY. The hon. member for Sherbrooke had referred to a term used by him in reference to this matter in the last Parliament--the term "adjustment." There had been a difference of opinion between the Government and Mr. Ryland as to the amount he was entitled to, and it was in reference to this matter the term had been used.⁶⁷ Had it not been for ... ((this)) very serious difference between Mr. Ryland and the Government as to the amount of compensation, the matter would have been settled long before this.⁶⁸

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Mr. G. H. Ryland.

*Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all correspondence, and other papers and documents, relating to the application of George Herman Ryland, Esquire, for a pension or compensation for the loss of his office as Clerk of the Executive Council of the late Province of Lower Canada, and as Clerk of the Executive Council of this Province.*⁶⁹

Ordered, That Mr. Gugy, Mr. Webster, Mr. Scott of Two Mountains, and Mr. Thompson, do present the said Address to His Excellency the Governor General.

Whitby and
Pickering
Road Company
Bill.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate the Whitby and Pickering Road Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Bill relating
to forms of
words in Acts.

Ordered, That Mr. Richards have leave to bring in a Bill to render unnecessary the insertion of certain Forms of Words in Acts of the Provincial Legislature.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Wednesday next.

Bill relating
to Mortgagers.

Ordered, That Mr. Richards have leave to bring in a Bill to provide for the sale under executions of the interest of Mortgagers in real estate in

Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Thursday next.

Sault de Ste.
Marie Copper
Mining Bill.

Ordered, That Mr. Prince have leave to bring in a Bill to incorporate "The Sault de Sainte Marie Copper Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Root River
Mining Company
Bill.

Ordered, That Mr. Prince have leave to bring in a Bill to incorporate "The Root River Mining Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

On motion of the Honorable Mr. Badgley, seconded by the Honorable Mr. Macdonald,

Shipping of
Seamen Act.

Resolved, That this House do now resolve itself into a Committee of the whole House, to amend the Act for regulating the shipping of Seamen, by providing that the fees received in virtue of the same be funded, and a salary allowed to the Shipping Master.

The House accordingly resolved itself into the said Committee.

Mr. Lyon took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Lyon reported that the Committee had come to a Resolution.

Ordered, That the Report be received to-morrow.

On motion of Mr. M'Farland, seconded by Mr. Thompson,

Niagara Dis-
trict Town.

Ordered, That the Entries in the Journals of this House, of the Session of 1846, which relate to the removal of the site of the District Town of

Niagara, be now read.

The Entries were read accordingly.

Ordered, That the said Entries be referred to the Select Committee to which was referred the Petition of the Municipal Council of the District of

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Niagara, relating to the District Town.

Cullers Bill.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act to regulate the culling

and measurement of Timber.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time, on Monday next.

Norfolk Joint
Stock Companies
Bill.

The Order of the day for the second reading of the Bill to authorize the formation of Joint Stock Companies in the County of Norfolk, for the construction of Plank or Macadamized Roads within the said County, be-

ing read;⁷⁰

MR. MORIN informed the House that the fee of £20 had been paid on this bill.⁷¹

MR. H. BOULTON (Norfolk).--It was a local but not a private bill.⁷² He had amended it so as to make it applicable to any part of Upper Canada.⁷³ He intended to refer the bill to a committee with a view to extending the provisions to other parts of the Province.⁷⁴

MR. J. S. MACDONALD (Glengarry) would like to know if this was not a private bill, what was it? This was a bill for the county of Norfolk to

enable certain parties there to have the privilege of subscribing stock and laying down roads, upon which they were to exact tolls for their own benefit. Where did that differ from a bill to incorporate a Gas Company, or an Insurance Company? (Hear, hear.) He should like to know the distinction between them and any private undertaking which any individual might choose to get up in any part of the country? (Hear, hear.) It was for the benefit of stockholders--they subscribed a certain amount, and if there was any profit in the transaction they got it. The hon. gentleman wanted to refer this to a committee and get rid of the £20, (hear, hear, and laughter,) but he (Mr. McD.) maintained this was just one of these bills upon which the House ought to impose a rate of £20; they were not to pay enormous expense on these bills; the country was not to be saddled with bills of this description. He appealed to the Speaker whether this was not a private bill.⁷⁵

MR. MORIN said that unquestionably this was a private bill, one of those bills which ought to pay a fee of £20. The House however, had the power to dispense with that fee. (Hear, hear.)⁷⁶

MR. H. SMITH (Frontenac) was surprised at the remarks of the hon. member for Glengarry. For his part, instead of desiring to impose the £20 fee, he tendered his thanks to the hon. member for Norfolk for having introduced the bill, which he was glad to find the hon. gentlemen proposed to extend to the whole of Upper Canada.⁷⁷

MR. H. BOULTON was also surprised at the remarks of the hon. gentleman. He had either not read the bill, or read it, and not been able to understand it. When first he brought the bill in he had intended it for his own constituents, but it had met with such unanimous approbation from the Upper Canada members, that he had been requested to extend its provisions to the whole of Upper Canada. He now wanted it to be read a second time that he might refer it to a select committee for the purpose of this amendment.⁷⁸

MESSRS. WETENHALL and MCFARLAND supported the bill.⁷⁹

MR. CHAUVEAU thought that the very title proved the bill a private one, "A Bill for the formation of Road Companies in Norfolk." (Hear, hear.)⁸⁰

MR. ROBINSON eulogized the bill, and the hon. member for Norfolk for bringing it in.⁸¹ ((He)) moved to dispense with the payment of the £20.⁸²

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On motion of the Honorable Mr. Robinson, seconded by the Honorable Mr. Macdonald,

Ordered, That the seventy-first Rule of this House, be suspended as to the present Bill.

MR. J. S. MACDONALD (Glengarry) was opposed to the bill, and this, the second reading, was the proper time for opposing it. He was opposed to the principle of the bill because it gave to small companies the power of making small roads whenever they pleased. (Hear, hear.)⁸³ It proposed to hand over the highways of the country in little patches of 3 miles, to ... ((them)).⁸⁴ He was disposed to leave the matter to the District Councils, and not to individual companies. (Hear, hear.) He should oppose the measure.⁸⁵

MR. BOULTON explained that the District Councils would have power over these companies.⁸⁶

SIR A. MACNAB thought it a pity they should waste the time of the House in discussing this bill, which it was only proposed should be read a second time pro forma.⁸⁷

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The Honorable Mr. Boulton moved, seconded by Mr. Bell, and the Question being put, That the said Bill be now read a second time.

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Badgley, Bell, Boulton of NORFOLK, Cameron of CORNWALL, Cayley, Crysler, Johnson, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Farland, M'Lean, Papineau, Seymour, Smith of FRONTENAC, Webster, and Wilson.--(17.)

NAYS.

Messieurs Armstrong, Beaubien, Bouthillier, Chabot, Chauveau, DeWitt, Flint, Fortier, Fournier, Guillet, Holmes, Jobin, Laterrière, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, Mongenais, Nelson, Sauvageau, Stevenson, Taché, and Watts.--(23.)

So it passed in the Negative.

Land Surveyors' Bill (L.C.)

The Order of the day for the second reading of the Bill to repeal the Ordinance therein mentioned, and to make better provision respecting Land Surveyors and the admeasurement of Lands in Lower Canada, being read;

Ordered, That the Bill be read a second time, to-morrow.

Huron Copper Bay Company Bill.

The Order of the day for the second reading of the Bill to incorporate "The Huron Copper Bay Company," being read;

Ordered, That the Bill be read a second time on Monday next.

Bill relating to Letters Patents for Lands (L.C.)

The Order of the day for the second reading of the Bill relating to Letters Patent whereby any waste or other Public Lands in Lower Canada are granted, to simplify the process of Land granting, and to render the same more expeditious and less expensive than heretofore, being read;

Ordered, That the said Order be discharged.

Election Bill.

The Order of the day for the second reading of the Bill to amend the Election Law of this Province, being read;

Ordered, That the Bill be read a second time, to-morrow.

Montreal Incorporation Bill.

The Order of the day for the second reading of the Bill to amend the Act 8 Vic. c. 59, consolidating the provisions of the Ordinance to incorporate the City of

Montreal, being read;⁸⁸

A brief discussion arose in the House on the subject of Responsible Government⁸⁹.

The subject was introduced by SIR A. MACNAB⁹⁰ OR The gallant member for Essex, COL. PRINCE originated the discussion.⁹¹

DR. NELSON⁹² ... rose, and as we understood, speaking to Mr. Papineau, said,⁹³ that any member who would rise in the House and say the Lower Canadians were opposed to Responsible Government, said that which was not the fact; that a member making such assertions was not the organ of the Lower Canadians; not their trumpet; not their mouthpiece; nor did he represent their feelings. At the late election he had put the question to his constituency, who had proclaimed their satisfaction⁹⁴ with Responsible Government as at present conducted,⁹⁵ and the reason they were satisfied was, because they believed what he believed--that the present system of Responsible Government would confirm those privileges they had so long wished for, and which, some few years since, they never expected to enjoy.⁹⁶

MR. PAPINEAU spoke in French. We understood him to say he did not oppose Responsible Government, but what had falsely been called Responsible Government. He then contended that what he had said on the subject had been misrepresented, and declared himself independent of all Governments, and that he had a right and would exercise it, of freely expressing his opinions.⁹⁷

MR. CAUCHON, who spoke in French, in a short speech, rebuked Mr. Papineau for continually reminding the House of his independence. He (Mr. Cauchon) was as independent of any Government as the hon. Member, and he thought he was not singular in being so. He was also as free to express his opinions as any hon. Member in the House, and was there to support good measures, and vote against bad ones, let them emanate from whosoever they might.⁹⁸

The conversation then dropped⁹⁹.

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for to-morrow.

Butter Inspection Bill.

The Order of the day for the second reading of the Bill to provide for the Inspection of Butter in Quebec and Montreal, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Chauveau took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Chauveau reported, That the Committee had gone through the Bill, and had made amendments thereunto.

Ordered, That the Report be received to-morrow.

St. Paul's Church
Glebe Bill.

The Order of the day for the second reading of the Bill to authorize the Rector and Church Wardens of St. Paul's Church, London, to sell a part of the Glebe, on certain conditions, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Jobin took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Jobin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Jobin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Kingston Gas
Light Company
Bill.

The Order of the day for the second reading of the Bill to incorporate the City of Kingston Gas Light Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee; and that the Rules of this House be suspended as to the present Bill.

The House accordingly resolved itself into the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Smith of Frontenac reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Census Bill.

The Order of the day for the second reading of the Bill to extend the time for taking the Census in Lower Canada, for the year 1848, being read;

Ordered, That the Bill be read a second time, on Monday next.

Osgoode Town-
ship Bill.

The Order of the day for the second reading of the Bill to exempt certain Concessions of the Township of Osgoode from the operation of the Act therein mentioned, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

King's Bench
Judgments
Bill (L.C.)

The Order of the day for the second reading of the Bill to render executory certain Judgments rendered by the late Courts of King's Bench for Lower Canada, being read;

The Bill was accordingly read a second time; and ordered to be engrossed.

Mosa Taxes
Collection Bill.

The Order of the day for the second reading of the Bill to provide for the collection of the taxes

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for the year 1845, in the Township of Mosa, in the London District, being read;

Ordered, That the Bill be read a second time, to-morrow.

Quebec Institut
Canadien Bill.

The Order of the day for the second reading of the Bill to incorporate the "Institut Canadien de Québec," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Malloch took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Consumers'
Gas Company
of Toronto
Bill.

The Order of the day for the second reading of the Bill to incorporate "The Consumer's Gas Company of Toronto," being read;

Ordered, That the Bill be read a second time, to-morrow.

London Manu-
facturing
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the London Manufacturing Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee; and that the Rules of this House be suspended as to the present Bill.

The House accordingly resolved itself into the Committee.

Mr. Bouthillier took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Bouthillier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Canada Life
Assurance
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Canada Life Assurance Company, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee; and that the Rules of this House be suspended as to the present Bill.

The House accordingly resolved itself into the Committee.

The Honorable Mr. Robinson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And the Honorable Mr. Robinson reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed.

Dundas Incor-
poration Bill.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to incorporate the Town of Dundas," being read;

Ordered, That the Bill be read a second time, to-morrow.

Canada Marine
Assurance
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Canada Marine Insurance Company, being read;

Ordered, That the Bill be read a second time, to-morrow.

Toronto Athe-
naeum Bill.

The Order of the day for the second reading of the Bill to incorporate the Toronto Athenaeum, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. DeWitt took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. DeWitt reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed.

Flour and
Meal Bill.

The Order of the day for the second reading of the Bill to continue and amend the Act for the inspection of Flour and Meal, and to provide for the inspection of Oatmeal, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Laurin took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Laurin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

River Moira
Mill Dams Bill.

The Order of the day for the second reading of the Bill to repeal the Act therein mentioned, and to make better provision for the construction of Aprons to Dams upon the River Moira, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Wilson took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Wilson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received to-morrow.

Then, on motion of Mr. Laurin, seconded by Mr. Chabot,
The House adjourned. 100

APPENDIX: 17 MARCH 1848.

((NOTICE OF MOTION RE: OFFICES OF SOLICITOR GENERAL AND COMMISSIONERS OF BOARD OF WORKS.))

MR. CHRISTIE gave notice that before the House went into consideration of granting the supplies--he would move hereafter that the office of Solicitor General (East and West) shall be non-political, and likewise the two Commissioners of the Board of Works--and that in lieu there be two seats in the Executive Council filled by representatives of the Commercial and Agricultural interests.¹⁰¹

((NOTICE OF MOTION RE: PENSIONS FOR MEMBERS OF LATE ADMINISTRATION.))

COL. GUGY gave notice that he would move for copies of all correspondence, despatches, &c., in reference to pensioning any members of the late Administration.¹⁰²

((BREACH OF PRIVILEGE BROUGHT TO THE ATTENTION OF THE HOUSE.))¹⁰³

MR. BOULTON brought under the notice of the House what he considered a breach of privilege. In the report of the proceedings of the House, in the Montreal Gazette, he found the following passage. In speaking of the appointment of the Committee on Railways and Telegraphs, the reporter said:-- "The motion was ultimately carried against the Ministers--yeas, 33; nays, 31. Mr. H. J. Boulton was present, but did not vote."--He contended that the reporters had no right to notice these things. His reason for not voting, as it happened, was, that he had not been in the House during the discussion.¹⁰⁴

((STATEMENT RE: CUSTOMS BILL OF LAST SESSION.))¹⁰⁵

MR. BADGLEY said, in reference to his notice of enquiry of the organ of Ministers, on giving effect to the Customs Bill of last Session--that he had been assured the Bill was received, sanctioned, and would be proclaimed in the course of a day or two.¹⁰⁶

((WITHDRAWN MOTION RE: SURVEY OF LONG SAULT RAPIDS ON THE ST. LAWRENCE RIVER.))¹⁰⁷

MR. MCLEAN moved for an address to His Excellency for a survey of the "Long Sault" Rapids on the River St. Lawrence.¹⁰⁸

MR. CRYSLER seconded the motion.¹⁰⁹

MR. DRUMMOND thought that the motion of the hon. member for Stormont was one which should not be made by any member of that House, especially when there was no representative of the Executive Government in the House, it was one which might entail expense, probably very great.¹¹⁰

MR. MCLEAN.--It cannot cost more than £25.¹¹¹

MR. DRUMMOND. Whether it costs £25 or 25s. it would entail expense. He should oppose the motion.¹¹²

MR. J. S. MACDONALD (Glengarry) thought it was a very important matter to the trade of the country that a survey should be made of the North side of the St. Lawrence, the Long Sault Rapids. Unless the Government would take this in hand and authorize persons who had a talent for services of this description, to make a faithful report of it, individuals could not be expected to risk their vessels on the North side. It was of vast importance in another point of view. In the event of difficulty with our neighbours, we ought to have a channel of our own, and one infinitely better than the channel on the south side.¹¹³

MR. MCLEAN had called the attention of the Government to this matter. He would now withdraw his motion.¹¹⁴

FOOTNOTES: 17 MARCH 1848.

1. PILOT, 23 March 1848, reported that on this day, "The attendance of members was very thin."
2. GLOBE, 29 March 1848, which prefaced its report of the following matter by these observations: "At four o'clock the House proceeded to appoint (by appeal to the lot) a Committee under the Grenville Act, to try the merits of the petition of D. A. McDonell, Esq., against the return of Alex McLean, Esq., for the County of Stormont. As the process is somewhat curious, we shall detail it."
3. GLOBE, 29 March 1848.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID., which observed that both MacDonell and Morrison "made their most captivating salaams."
11. GLOBE, 29 March 1848.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. The debate of this matter was reported by: MORNING CHRONICLE, 20 March 1848, BRITISH COLONIST, 21 March 1848, GLOBE, 22 March 1848, and PRINCE EDWARD GAZETTE, 24 March 1848, in identical accounts.
25. MORNING CHRONICLE, 20 March 1848.
26. The debate on this matter was reported by: GLOBE, 29 March 1848, PILOT, 21 March 1848, and PACKET, 31 March 1848, in identical accounts.
27. GLOBE, 29 March 1848.
28. PILOT, 21 March 1848.
29. GLOBE, 29 March 1848.
30. A commentary on the Inspector General's Report may be found in EXAMINER, 29 March 1848.
31. GLOBE, 29 March 1848.
32. IBID.
33. IBID.
34. The debate on this matter was reported by: PILOT, 23 March 1848, and PACKET, 31 March 1848, in identical accounts.
35. PILOT, 23 March 1848.
36. IBID.
37. The debate on this matter was reported by: PILOT, 23 March 1848; and MONTREAL GAZETTE, 20 March 1848, copied by MONTREAL TRANSCRIPT, 23 March

1848, and ST. CATHARINES JOURNAL, 30 March 1848, in identical accounts. PILOT, 23 March 1848, observed that the motion "excited little or no interest." The MONTREAL GAZETTE, 20 March 1848, mistakenly reported that the motion was withdrawn.

38. MONTREAL GAZETTE, 20 March 1848.
39. PILOT, 23 March 1848.
40. MONTREAL GAZETTE, 20 March 1848.
41. PILOT, 23 March 1848.
42. MONTREAL GAZETTE, 20 March 1848.
43. IBID., cited the figure as £605.
44. PILOT, 23 March 1848.
45. MONTREAL GAZETTE, 20 March 1848.
46. PILOT, 23 March 1848.
47. IBID.
48. MONTREAL GAZETTE, 20 March 1848.
49. PILOT, 23 March 1848.
50. MONTREAL GAZETTE, 20 March 1848.
51. PILOT, 23 March 1848.
52. MONTREAL GAZETTE, 20 March 1848.
53. PILOT, 23 March 1848.
54. MONTREAL GAZETTE, 20 March 1848.
55. PILOT, 23 March 1848.
56. IBID.
57. IBID.
58. MONTREAL GAZETTE, 20 March 1848.
59. PILOT, 23 March 1848.
60. MONTREAL GAZETTE, 20 March 1848.
61. PILOT, 23 March 1848.
62. MONTREAL GAZETTE, 20 March 1848.
63. PILOT, 23 March 1848.
64. MONTREAL GAZETTE, 20 March 1848.
65. PILOT, 23 March 1848.
66. MONTREAL GAZETTE, 20 March 1848.
67. PILOT, 23 March 1848.
68. MONTREAL GAZETTE, 20 March 1848.
69. PILOT, 23 March 1848, noted that the motion was passed unanimously.
70. The debate on this matter was reported by: PILOT, 23 March 1848; and GLOBE, 25 March 1848. The MONTREAL GAZETTE, 20 March 1848, noted the debate.
71. PILOT, 23 March 1848.
72. IBID.
73. GLOBE, 25 March 1848.
74. PILOT, 23 March 1848.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. GLOBE, 25 March 1848.
83. PILOT, 23 March 1848.

84. GLOBE, 25 March 1848.
85. PILOT, 23 March 1848.
86. IBID.
87. IBID.
88. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 23 March 1848; PILOT, 23 March 1848; and MONTREAL GAZETTE, 20 March 1848, and ST. CATHARINES JOURNAL, 30 March 1848, in identical accounts.
89. MONTREAL TRANSCRIPT, 23 March 1848.
90. IBID.
91. PILOT, 23 March 1848.
92. MONTREAL TRANSCRIPT, 23 March 1848, added: "who had been apparently impatiently waiting for an opportunity to express his opinion on the subject".
93. MONTREAL TRANSCRIPT, 23 March 1848.
94. MONTREAL GAZETTE, 20 March 1848.
95. MONTREAL TRANSCRIPT, 23 March 1848.
96. MONTREAL GAZETTE, 20 March 1848.
97. IBID.
98. IBID.
99. IBID.
100. GLOBE, 25 March 1848, noted: "at eleven o'clock".
101. IBID., 29 March 1848.
102. IBID.
103. The debate on this matter was reported by: PILOT, 21 March 1848, and PACKET, 31 March 1848, in identical accounts.
104. PILOT, 21 March 1848.
105. The debate on this matter was reported by: PILOT, 23 March 1848, and PACKET, 31 March 1848, in identical accounts; and GLOBE, 25 March 1848.
106. GLOBE, 25 March 1848.
107. The debate on this matter was reported by: PILOT, 23 March 1848, and PACKET, 31 March 1848, in identical accounts.
108. PILOT, 23 March 1848.
109. IBID.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.

SATURDAY, 18 MARCH 1848.¹

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Petitions
brought up.

THE following Petitions were severally brought
up, and laid on the table:--

By Mr. Thompson,--The Petition of Alexander M. Lockhart and others, of
the Township of Sherbrooke Forest, in the District of Niagara.

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By Mr. M'Farland,--The Petition of Simcoe Chapman and others, of the
County of Welland.

By Sir Allan N. MacNab,--The Petition of George S. Tiffany, Esquire,
and others, of the District of Gore; the Petition of the Great Western
Railroad Company (corresponding Committee); and the Petition of the Great
Western Railroad Company (Provincial aid).

Toronto Athe-
naeum Bill.

An engrossed Bill to incorporate the Toronto
Athenaeum was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legisla-
tive Council, and desire their concurrence.

Osgoode Town-
ship Bill.

An engrossed Bill to exempt certain Concessions
of the Township of Osgoode from the operation of the
Act therein mentioned, was read the third time.

Mr. Malloch moved, seconded by Mr. Seymour, That the Bill do pass, and
the title be, "An Act to exempt certain Concessions of the Township of
Osgoode from the operation of the Act therein mentioned."

Mr. Lyon moved, in amendment, seconded by Mr. Hall, That all the words
after "That" in the said motion be struck out, and the following substituted:
"the Bill be recommitted to a Committee of the whole House, on Tuesday next,
to consider the propriety of repealing the Act therein mentioned."

The Question being put on the motion of amendment, the House divided;
and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Bouthillier, Burritt, Chabot, DeWitt, Drummond, Duchesnay,
Fortier, Fournier, Guillet, Hall, Holmes, Johnson, Lemieux, Lyon, Marquis,
M'Farland, Mongenais, Morrison, Notman, Richards, Sauvageau, Smith of
DURHAM, Smith of WENTWORTH, Taché, Thompson, Wetenhall, and Wilson.--(27.)

NAYS.

Messieurs Badgley, Bell, Cameron, Cayley, Macdonald of GLENGARRY, Mac-
donald of KINGSTON, Malloch, M'Connell, M'Lean, Seymour, Sherwood of TORONTO,
Stevenson, and Webster.--(13.)

So it was carried in the Affirmative.

The Question being then put on the main motion, as amended, the House
again divided; and the names being called for, they were taken down, as in
the last preceding division.

Ordered, That the Bill to exempt certain Concessions of the Township of
Osgoode from the operation of the Act therein mentioned, be recommitted
to a Committee of the whole House, on Tuesday next.

Canada Life
Assurance
Company Bill.

An engrossed Bill to incorporate the Canada Life Assurance Company was read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

St. Paul's
Church Glebe
Bill.

An engrossed Bill to authorize the Rector and Church Wardens of St. Paul's Church, London, to sell part of the Glebe, on certain conditions, was read the third time.

Resolved, That the Bill do pass, and the Title be "An Act to authorize the Rector and Church Wardens of Saint Paul's Church, London, to sell a part of the Glebe on certain conditions."

Ordered, That Mr. Wilson do carry the Bill to the Legislative Council, and desire their concurrence.

Quebec Institut
Canadien Bill.

An engrossed Bill to incorporate the "Institut Canadien de Québec," was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

King's Bench
Judgments
Bill (L.C.)

An engrossed Bill to render executory certain Judgments rendered by the late Courts of King's Bench for Lower Canada, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Lemieux do carry the Bill to the Legislative Council, and desire their concurrence.

Flour and
Meal Bill.

An engrossed Bill to continue and amend the Act for the inspection of Flour and Meal, and to provide for the inspection of Oatmeal, was read the third

time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Honorable Barthelemy Joliette, of the Village of Industry, in the District of Montreal; praying aid for the Joliette College in that Village.

Of the Municipal Council of the County of Yamaska; praying aid to construct Bridges over the Rivers Yamaska and St. Francis in that County.

Of the Wardens and Members of the Municipal Council of the District of London; praying for certain amendments to the Municipal Council Law.

Of the Municipal Council of the County of Portneuf; praying for the amendment of the Municipal Council Law.

Of Albert Furniss, on behalf of the City of Toronto Gas Light and Water Company; praying that the Act petitioned for, to incorporate another Gas Light and Water Company in Toronto, may not be granted.

Of G. F. Orde and others, of the District of Colborne; praying the repeal of the Act 8 Vic. c. 14, which deprives that District of a spring term of the Court of Assize, or that other provision be made for the said District in the premises.

Of G. F. Orde and others, of the Town of Peterborough; praying for the incorporation of that Town.

Of Elias Burnham, Esquire, and others, barristers and attorneys at law of the Town of Peterborough, in the District of Colborne; praying that the Act 9 Vic. c. 36, may be so amended as to allow judgments to be entered up in the several Districts, instead of being sent to the Clerk of the Crown at Toronto.

Of Thomas Griffith, Lieutenant-Colonel, late commanding the Loyal Rawdon Volunteers; praying indemnification for the loss of his property destroyed by incendiaries, while he was absent on duty during the late troubles.

Of the Right Reverend the Lord Bishop of Montreal; praying for the indemnification of those clergymen of the Church of England who have incurred expenses by their attendance upon the sick and destitute Emigrants at Point St. Charles during the past season.

Of Louis Legendre, Esquire, and others, of the Parish of St. Louis de Lotbinière; praying aid to complete the Bridge over the River Duchêne, and to improve the two hills on each side thereof.

Of J. B. Vachon and others, licensed Cullers for the Port and District of Quebec; praying for certain amendments to the Act regulating the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature.

Of James Shaw and others, of Smith's Falls, in the Township of North Elmsley; praying to be incorporated as the Smith's Falls Road Company.

(63)

Of H. Lyman and others, of the Townships of Granby, Farnham, and Dunham; praying aid to improve the Road from the Village of Granby, in the County of Shefford, to Nelsonville, in the County of Missisquoi.

Of the Reverend H. Moreau and others, of St. Martin and other Parishes in the County of Terrebonne, and of St. Eustache and other places in the County of Two Mountains; praying aid to improve the Road between Lachapelle's Bridge over the River Jésus, opposite to the Village of St. Eustache.

Of the Reverend H. Moreau and others, of the Parish of St. Eustache; of J. B. Meloche and others, of the Parish of St. Augustin; of Huacinte St. Germain and others, of the Parish of St. Eustache; and of the Reverend A. Groux and others, of the Parish of St. Benoit; praying indemnification for losses sustained during the troubles of 1837 and 1838.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Robinson,

Two Petitions
of the Great
Western Railroad
Company referred.

Ordered, That the Petition of the Great Western Railroad Company, praying the amendment of their Charter, by abolishing the Corresponding Committee in England, and repealing their extraordinary powers;

and also, the Petition of the Great Western Railroad Company, praying for Public Provincial aid to secure the early completion of that Railroad, both presented to the House this day, be now read; and that the Rules of this House be suspended as to the said Petitions.

And the Petitions were read accordingly; and referred to the Standing Committee on Railways and Telegraph Lines.

Petition of
J. Ewart and
others, referred.

Resolved, That the Petition of John Ewart and others,
of the City of Toronto, be referred to a Select
Committee, composed of the Honorable Mr. Sherwood,
Mr. Morrison, Mr. Webster, the Honorable Mr.

Robinson, and the Honorable Mr. Boulton, to examine the contents thereof,
and to report thereon with all convenient speed, by Bill or otherwise;
with power to send for persons, papers, and records.

Petition of A.
Fletcher and
others, referred.

Resolved, That the Petition of Ashton Fletcher and
others, of the Township of Markham and its
vicinity, be referred to a Select Committee,
composed of Mr. Morrison, Mr. Notman, Mr. Smith

of Durham, Mr. Wetenhall, and Mr. Lyon, to examine the contents thereof,
and to report thereon with all convenient speed, by Bill or otherwise;
with power to send for persons, papers, and records.

Cayuga Town-
ship Division
Bill.

Mr. Thompson, from the Select Committee to which
was referred the Petition of the Municipal Council of
the District of Niagara (Division of Cayuga,) with
power to report by Bill or otherwise, presented to
the House a Bill to divide the Township of Cayuga, in the District of Nia-
gara, into two Townships, which was received and read for the first time;
and ordered to be read a second time, on Monday next.

Oxford Election.

Mr. Chabot, Chairman of the Select Committee
appointed to try the merits of the Petition of Peter
Carroll, Esquire, a candidate at the late Election for the County of Oxford,
complaining of the undue Election and Return of the Honorable Francis Hincks,
as a Member to represent the said County in this present Parliament,
presented to the House the Final Report of the said Committee, which was
again read at the Clerk's table, as followeth:--

1. Resolved, That the allegations contained in the Petition of Peter Carroll,
Esquire, touching the sufficiency of the declaration of Qualification
produced at the late Election for the County of Oxford on behalf of the
Honorable Francis Hincks, are not sustained by evidence adduced before
this Committee on the part of Peter Carroll, the said Petitioner.
2. Resolved, That the declaration of Qualification of the said Honorable
Francis Hincks was duly and legally made at the said Election for the
County of Oxford.
3. Resolved, That the said Honorable Francis Hincks was duly elected a
Member to serve in the present Parliament, and ought to have been
returned as such by the Returning Officer at the said Election for the
County of Oxford.
4. Resolved, That the Petition of Peter Carroll, Esquire, is not frivolous
or vexatious.
5. Resolved, That the defence by the Honorable Francis Hincks to the said
Petition, is not frivolous or vexatious.

Cornwall
Election.

Mr. Dumas, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, reported that the Committee met this day at one o'clock, P.M., and having waited for one hour, they were unable to proceed to business, in consequence of the absence of Mr. Duchesnay and Mr. M'Connell, two Members of the Committee.

Ordered, That Mr. Duchesnay and Mr. M'Connell do severally attend in their places, in this House, on Monday next.

Leave of
Absence.

Ordered, That Mr. Thompson² have leave to absent himself from this House, during the remainder of the Session, on urgent Business.

Norfolk Joint
Stock Companies
Bill.

The Honorable Mr. Boulton moved, seconded by Mr. Egan, and the Question being put, That the Bill to authorize the formation of Joint Stock Companies in the County of Norfolk, for the construction of Plank or Macadamized Roads within the said County, be read a second time on Monday next.³

MR. H. BOULTON. In making this motion he thought it necessary to enter into some explanation of the bill, as it had been lost on preceding evenings owing to its not being properly understood. For several sessions of Parliament they had been in the habit of passing private bills for the construction of plank roads for short distances, and the companies formed under these acts had been found very advantageous to the parts of the country where they were formed. At the last election he had suggested to his constituents the formation of these companies, and in all the townships both his friends and his opponents were most anxious that a course of the kind which he had now the honour of proposing to the House should be adopted. There was no principle of Legislation so valuable as that of allowing people to manage their own affairs, to have their own roads, and to mend their own ways (a laugh.) In the language of Montesquieu, "that Government is the best which governs least and interferes least with the private operations of the public at large." If this bill passed, plank and macadamized roads would be enterprized in ... this manner, the people interested in any concession road or sideline would join themselves together into joint stock companies at no expense, not having to go to the Legislature to get bill after bill passed to plank or macadamize that road. It was argued in objection that this was taking possession of the public roads and turning them into private speculations. He denied it; the object of the company would be to plank or macadamize the road--to improve it; and they would only be allowed to levy such tolls as would repay them for the capital which they had expended. This was a matter of great importance to the agricultural districts as the roads, as now existing, were so bad in the autumn and winter as to render it difficult to transport the farming produce and greatly increase the expense to the farmers of bringing their commodities to market. The expense to the persons making these roads would be very small; they would be able to take stock and pay for it by their labour. One might take four or five shares and engage to break up a certain portion of the road; another having a saw mill might take a number of

shares and engage to plank a certain portion of the road without laying out any money. Hon. gentleman who represented rural constituencies must recollect that in affording these facilities to the farmer, they were enabling him to turn his labour into what was better than cash, into stock, affording ten or twelve percent profit. These were the advantages to the public and the farmer and the people of the country were most anxious to see the measure carried out. Hon. gentleman who lived in parts of the country where they had no sympathy with this class of the population, must recollect that in throwing out this bill they were throwing obstacles in the way of the great productive interests of the country: this bill would moreover be of advantage to the towns. What caused the value of property in Toronto, Kingston, and other large towns to increase? Was it not the increased facilities afforded for bringing commodities from the country to the market? He hoped that under these circumstances hon. gentleman would not object to this bill being read a second time; and it was his (Mr. B.'s) intention then to refer it to a Select Committee. The people of the country were strongly in favour of this measure: there was no measure from which they would derive more advantage than this, which would enable the farmers to make their own roads, and to put a small toll upon them to pay them for the interest of their money and labour.⁴

MR. ROBINSON thought that before any road now under the contract of the Executive Government was put into the hands of a private company, it should be submitted to the approval of the Government.⁵

The motion was not opposed.⁶

(63)

The House divided; and it was carried in the affirmative.

Ordered, That the Bill be read a second time, on Monday next.

Western Tele-
graph Company
Bill.

Mr. Scott of Two Mountains, from the Committee of the whole House on the Bill to incorporate "The Western Telegraph Company," reported the amendments to the Bill; and the amendments, as far as the amendment in Clause 10, line 26, were again read at the Clerk's table, and agreed to by the House.⁷

MR. H. BOULTON on one of the clauses of the bill being proposed, showed that those Telegraph companies were of very great importance to the public--they were becoming almost necessities of life (hear, hear.) He thought, therefore, that they ought to be put under some kind of restraint. The observation of the hon. member for Simcoe, late of the Board of Works, with regard to the plank roads, applied still more strongly to companies of this description. There should be some regulation with regard to the charges which they might make; there were great complaints from the public press of the exorbitant rates which companies imposed. He thought there ought to be a clause introduced into the bill submitting the regulation of the rate tolls to the Government.⁸

MR. WILSON, who had the conduct of the bill, explained that there was such a clause.⁹

(63)

Clause 10, line 26, the next amendment, being again read, as followeth:--
 "Provided always, that the charges shall be so rated as not to pay a dividend in any year exceeding twelve per cent. on the Capital Stock over and above the expenses of carrying on the affairs of the Company, and keeping the Telegraphs and the property of the Company in repair;" and the Question of concurrence being put thereon, the House divided; and it passed in the Negative.

Then the residue of the said amendments being again read, they were agreed to by the House.

Ordered, That the Bill, with the amendments, be engrossed.

Shipping of
Seamen Act.

Mr. Lyon, from the Committee of the whole House to amend the Act for regulating the shipping of Seamen, by providing that the fees received in virtue of the same be funded, and a salary allowed to the Shipping Master, reported a resolution; which was read, as followeth:--

(64)

Resolved, That the Act passed in the last Session, intituled, "An Act for regulating the shipping of Seamen," should be amended, by providing that the fees received under the said Act be funded, and that an annual salary of two hundred and fifty pounds currency, be paid to the Shipping Master, besides his necessary expenses and disbursements.

The said Resolution being read a second time, was agreed to.

Shipping of
Seamen Bill.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend the Act for regulating the shipping of Seamen, and to fund the fees payable under the said Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time; and that the Rules of this House be suspended as to the same.

The Bill was accordingly read a second time; and ordered to be engrossed.

Ordered, That the said engrossed Bill be now read the third time; and that the Rules of this House be suspended as to the same.

An engrossed Bill to amend the Act for regulating the shipping of Seamen, and to fund the fees payable under the said Act, was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

Butter Inspection Bill.

Mr. Chauveau, from the Committee of the whole House on the Bill to provide for the Inspection of Butter in Quebec and Montreal, reported the amendments to the Bill; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Kingston Gas
Light Company
Bill.

Mr. Smith of Frontenac, from the Committee of the whole House on the Bill to incorporate "The City of Kingston Gas Light Company," reported the amendments to the Bill; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Ordered, That the said engrossed Bill be now read the third time; and that the Rules of this House be suspended as to the same.

An engrossed Bill to incorporate "The City of Kingston Gas Light Company," was read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Macdonald do carry the Bill to the Legislative Council, and desire their concurrence.

London Manufac-
turing Company
Bill.

Mr. Bouthillier, from the Committee of the whole House on the Bill to incorporate the London Manufactur-
ing Company, reported the amendments to the Bill; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

River Moira
Mill Dams Bill.

Mr. Wilson, from the Committee of the whole House on the Bill to repeal the Act therein mentioned, and to make better provision for the construction of Aprons to Dams upon the River Moira, reported the amendments to the Bill; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Penitentiary.

The Honorable Mr. Boulton presented, pursuant to the directions of an Act of Parliament,--Statement of the Accounts and Affairs of the Provincial Penitentiary for the year 1847.

Appendix (S.)

For the said Statement, see Appendix (S.)

Land Surveyors
Bill (L.C.)

The Order of the day for the second reading of the Bill to repeal the Ordinance therein mentioned, and to make better provision respecting Land Surveyors and the admeasurement of Lands in Lower Canada, being read;

Ordered, That the said Order be discharged.

Election Law
Bill.

The Order of the day for the second reading of the Bill to amend the Election Law of this Province, being read;

Ordered, That the said Order be discharged.

Dundas Incor-
poration Bill.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to incorporate the Town of Dundas," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Smith of Wentworth took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Smith of Wentworth reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Smith of Wentworth reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

Canada Marine
Assurance
Company Bill.

The Order of the day for the second reading of the Bill to incorporate the Canada Marine Assurance Company, being read;

Ordered, That the Bill be read a second time, on Monday next.

Mosa Taxes
Collection
Bill.

The Order of the day for the second reading of the Bill to provide for the collection of the Taxes for the year 1845, in the Township of Mosa, in the London District, being read;

Ordered, That the Bill be read a second time, on Monday next.

Consumers Gas
Company of
Toronto Bill.

The Order of the day for the second reading of the Bill to incorporate "The Consumers' Gas Company of Toronto," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the Committee.

Mr. Cauchon took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Cauchon reported, That the Committee had gone through the Bill, and directed him to report the same, without amendment.

Ordered, That the Bill be engrossed.

Montreal Incor-
poration Bill.

The Order of the day for the House in Committee on the Bill to amend the Act 8 Vic. c. 59, consolidating the provisions of the Ordinance to incorporate the City of Montreal, being read;

The House accordingly resolved itself into the said Committee.

Mr. Laurin took the Chair of the Committee; and after some time spent therein,

(65)

Mr. Speaker resumed the Chair;

And Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received, on Monday next.

*Then, on motion of Mr. Laurin, seconded by the Honorable Mr. Badgley,
The House adjourned¹⁰ until Monday next.*

FOOTNOTES: 18 MARCH 1848.

1. The PILOT, 23 March 1848, reported: "The House proceeded to business shortly before four".
2. According to PILOT, 23 March 1848, it was Mr. Merritt who was granted leave of absence this day.
3. The debate on this matter was reported by PILOT, 23 March 1848. GLOBE, 29 March 1848, noted the debate. GLOBE reported that Boulton's motion "caused a good deal of debating".
4. PILOT, 23 March 1848.
5. IBID.
6. IBID.
7. The debate on this matter was reported by: PILOT, 23 March 1848, and PACKET, 31 March 1848, in identical accounts.
8. PILOT, 23 March 1848.
9. IBID.
10. PILOT, 23 March 1848, noted: "at half-past five."

MONDAY, 20 MARCH 1848.

(65)

Bank and Insurance Statements.

an Order of the House of the 10th instant.

MR. SPEAKER laid before the House, Statements of the Affairs of the Chartered Banks and Insurance Offices of the Province, received in conformity to

Appendix (T.)

For the said Statements, see Appendix (T.)

Montreal Mechanics' Institute.

And also, Statement of the Real and Personal Estate of the Mechanics' Institute of Montreal, as required by the Act 8 Vic. c. 98.

Appendix (U.)

For the said Statement, see Appendix (U.)

Petitions brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Nelson,--The Petition of J. M. Lamothe, Mayor, on behalf of the Municipal Council of the County of Richelieu.

By the Honorable Mr. Laterrière,--The Petition of F. Tremblay and others, of Baie St. Paul.

By Mr. Taché,--The Petition of N. Tétu and others, of the Parish of Trois Pistoles; and the Petition of J. S. Damour and others, Pilots for and below the Harbour of Quebec.

By Mr. Thompson,--The Petition of Richard Martin, President, and others, on behalf of the Agricultural Society of the County of Haldimand.

By the Honorable Mr. Badgley,--The Petition of William Baker and others, Trustees of the Dunham High School; and the Petition of Albert Furniss, on behalf of the Toronto Gas Light and Water Company.

By the Honorable Mr. Sherwood,--the Petition of the Toronto Board of Trade.

On motion of the Honorable Mr. Badgley, seconded by the Honorable Mr. Macdonald,

Petition of Toronto Gas Light and Water Company.

Ordered, That the Petition of Albert Furniss, on behalf of the Toronto Gas Light and Water Company, be now read; and that the Rules of this House be suspended as regards the same.

And the Petition was read; praying that the Bill now before the House for incorporating a new Gas Company in the City of Toronto, may be recommended, and that the Petitioner be allowed to appear by Counsel, at the bar of the House, to represent the claims, rights, and privileges of the Toronto Gas Light and Water Company.

On motion of the Honorable Mr. Badgley, seconded by Mr. Prince,

Petition of Toronto Board of Trade.

Ordered, That the Petition of the Toronto Board of Trade be now read; and that the Rules of this House be suspended as regards the same.

And the Petition was read; praying that so much of the Provincial Customs Act as imposes Duties of Customs on Agricultural Produce imported into this Province, be repealed.

Ordered, That five hundred copies of the said Petition be printed in each of the English and French languages, for the use of the Members of this House.

Dundas Incorporation Bill.

An engrossed Bill to amend the Act, intituled, "An Act to incorporate the Town of Dundas," was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act to incorporate the Town of Dundas."

Ordered, That Mr. Wetenhall do carry the Bill to the Legislative Council, and desire their concurrence.

Western Telegraph Company Bill.

An engrossed Bill to incorporate "The Western Telegraph Company," was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Wilson do carry the said Bill to the Legislative Council, and desire their concurrence.

London Manufacturing Company Bill.

An engrossed Bill to incorporate the London Manufacturing Company, was read the third time.¹

Some discussion arose as to the limitation of liability clause in the Bill to charter the London Manufacturing Company.²

MR. WILSON.--After a good deal of debating Mr. Wilson carried his point.³

(65)

Resolved, That the Bill do pass.

Ordered, That Mr. Wilson do carry the Bill to the Legislative Council, and desire their concurrence.

River Moira Mill Dams Bill.

An engrossed Bill to repeal the Act therein mentioned, and to make better provision for the construction of Aprons to Dams upon the River Moira, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Flint do carry the Bill to the Legislative Council, and desire their concurrence.

Butter Inspection Bill.

An engrossed Bill to provide for the Inspection of Butter in Quebec and Montreal, was read the third time.

Mr. Holmes moved, seconded by Mr. Drummond, and the Question being put, That the Bill do pass, and the Title be, "An Act to provide for the Inspection of Butter in Quebec and Montreal."

The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Badgley, Beaubien, Bell, Boulton of NORFOLK, Burritt, Cameron, Cayley, Chabot, Christie, Cuthbert, Drummond, Egan, Flint, Gugy, Hall, Holmes, Jobin, Johnson, Laterrière, Lyon, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, M'Connell, M'Farland, M'Lean, Meyers, Mengenais, Morrison, Nelson, Notman, Papineau, Robinson, Sherwood of TORONTO, Smith of DURHAM, Smith of FRONTENAC, Smith of WENTWORTH, Stevenson, Thompson, Watts, Webster, and Wilson.--(43.)

NAYS.

Messieurs Bouthillier, Cauchon, Fortier, Fournier, Fourquin, Guillet, Laurin, Lemieux, Macdonald of GLENGARRY, Marquis and Taché.--(11.)
So it was resolved in the Affirmative.

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Consumers
Gas Company
of Toronto
Bill.

An engrossed Bill to incorporate "The Consumers Gas Company of Toronto," was read the third time.

Mr. Morrison moved, seconded by the Honorable Mr. Sherwood, That the Bill do pass, and the Title be, "An Act to incorporate the Consumers Gas Company of Toronto."4

MR. DRUMMOND, on behalf of Mr. Furniss, opposed the motion, and claimed that the final passage be postponed until Mr. Furniss was heard at the bar by counsel.⁵ ((He)) opposed the third reading of this bill ... not as the representative of the Government but as member for Shefford. He opposed it because it accorded privileges to the new company which had not been accorded to the City of Toronto Gas and Water Company, incorporated in 1841.⁶ ((Mr. Furniss)) had greatly benefitted the city at a time when nobody else would--that it was hard that his onerous and responsible undertakings for the public benefit should be so ill rewarded, and so forth.⁷

(65)

Mr. Drummond moved, in amendment, seconded by Mr. Holmes, That all the words after "That" in the said Motion, be struck out, and the following substituted: "the Bill be recommitted to a Committee of the whole House; and that the Toronto Gas Light and Water Company be heard by Counsel, before the Committee, against the provisions of the Bill."

MR. H. SHERWOOD replied to Mr. Drummond⁸. ((He)) supported the bill, which, he said, was anxiously desired by his constituents. The opposition to this bill came from those who desired to have a monopoly of the supply of gas, in order that they might continue to impose on the inhabitants of Toronto by exorbitant charges.⁹

MR. BADGLEY entirely differed with his late Honourable colleague, and opposed the passage of the Bill. Montreal influence, versus Toronto. Mr. Furniss makes horrible gas--but he resides in Montreal; he poisons the people of Toronto with his filthy water, and burns them out from want of it--but he is a rich monopolist.¹⁰

(66)

The Question being put on the Motion of amendment, the House divided; and it passed in the Negative.

The Question being then put on the main Motion, it was resolved in the Affirmative.¹¹

Ordered, That Mr. Morrison do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of T. J. Forbes and others, of Hawkesbury; praying for the completion of the Road from the Ottawa to the St. Lawrence upon the boundary line between Upper and Lower Canada.

Of John Macawley, of Buckingham, in the County of Ottawa, Teacher; praying for the passing of an Act to enable the School Teachers in that Township to realize the whole amount allowed them by Government.

Of the City Council of the City of Kingston; praying an amendment to their Act of Incorporation.

Of Edmund Deedes and others, of the County of Oxford; setting forth:-- That the Petitioners have learned, with considerable surprise and regret, that certain members of the Municipal Council of the District of Brock have forwarded a Memorial,--and a large assembly in the Township of East Oxford a Petition--to His Excellency the Governor General, in both of which the act of the Returning Officer, John G. Vansittart, Esquire, in rejecting Mr. Hincks' qualification as illegal, is declared to be utterly unjustifiable; and that in the resolutions of the East Oxford meeting his motives of action are interpreted and set forth, and his character maligned, in language too gross and vituperative to be repeated to the House: That the Petitioners presume not to present to the House any expression of their political sentiments, neither do they venture to offer any opinion on the legality of the act of the Returning Officer,--the decision of this matter the Petitioners can confidently refer to the competent tribunal; nor would they have troubled the House on the subject, had not the personal character of the Returning Officer been so maligned: That the Petitioners, however, in the very natural apprehension that such assertions tacitly acquiesced in might be supposed to have challenged and obtained general credence in the County of Oxford, do regard it as their imperative duty to present to the House their united, cordial, and unhesitating assurance, that from a long and very intimate acquaintance with many of them, and from the public and acknowledged estimate of the character of the said Returning Officer among them all, the Petitioners do solemnly declare their belief that Mr. Vansittart is utterly incapable of entertaining such base motives as those imputed to him in the resolutions above alluded to; that his demeanor, distinguished as it ever has been, by impartiality and kindness to all, irrespective of political opinions, presents to the candid and honorable mind the best proof of his own integrity and justice in the discharge of his public duties: That the Petitioners beg to press upon the attention of the House the obviously rational conclusion, that nothing but a sense of duty could have influenced Mr. Vansittart to make the Return he did, inasmuch as considerations of interest

whether personal or party, would have suggested to him the expediency of a directly contrary course of action, it being at that time apparent that the majority of the present House would be more favorably inclined towards Mr. Hincks than towards Mr. Carroll; and craving the indulgence of the House for this declaration of their sentiments.

Of James Atchison and others, of the Village of Smith's Falls, in the County of Bathurst; praying that the Act 10 and 11 Vic. cap. 53, defining the boundary line of the Townships of Montague and Elmsley, may not be repealed, as petitioned for.

Of the Reverend William Bell, A.M., and others, of the District of Bathurst; praying the adoption of measures for the suppression of Drunkenness, and the making and vending of Spirituous Liquors,--and for the regulation of Temperance Houses or places of a like character.

Of Jean Bélanger and others, sufferers by the fires in Quebec in the year 1845; praying to receive current money in exchange for the Debentures issued to them, to enable them to rebuild their Houses destroyed by those fires.

Of Alexander M. Lockhart and others, of the Township of Sherbrooke Forest, in the District of Niagara; praying that all that part of the Township of Moulton south of the Welland Canal Feeder, and east of Sherbrooke, may be annexed to the Township of Sherbrooke Forest,--or otherwise that the said last mentioned Township may remain as at present defined.

Of Simcoe Chapman and others, of the County of Welland; praying for the construction of an artificial Cut from the River Welland to the Niagara River, so as to render the vicinity thereof more healthy.

Of George S. Tiffany, Esquire, and others, of the District of Gore; praying that the existing law for the preservation of Fish and Fisheries may be amended, by increasing the penalty for its violation.

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| <p><u>Petition of</u> <u>G. F. Orde</u> <u>and others;</u></p> | <p><u>Resolved</u>, That the Petition of <u>G. F. Orde</u> and others, of the Township of <u>Peterborough</u>, (Act of Incorporation,) be referred to a Select Committee, composed of Mr. <u>Hall</u>, Mr. <u>Wilson</u>, Mr. <u>Notman</u>, Mr. <u>Morrison</u>, and Mr. <u>Smith</u> of <u>Durham</u>, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.</p> |
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| <p><u>Of the Col-</u> <u>borne Muni-</u> <u>cipal Council.</u></p> | <p><u>Resolved</u>, That the Petition of the Municipal Council of the District of <u>Colborne</u>, (Land Tax) be referred to a Select Committee, composed of Mr. <u>Hall</u>, Mr. <u>Wilson</u>, Mr. <u>Notman</u>, Mr. <u>Morrison</u>, and Mr. <u>Smith</u> of <u>Durham</u>, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.</p> |
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| <p><u>Of A. M. Lock-</u> <u>hart and others;</u></p> | <p><u>Ordered</u>, That the Petition of <u>Alexander M. Lockhart</u> and others, of the Township of <u>Sherbrooke Forest</u>, in the District of <u>Niagara</u>, be referred to the Select Committee to which was referred the Petition of the Municipal Council of the District of <u>Niagara</u> (<u>Dockstader Tract</u>.)</p> |
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Of W. Bradley
and others;

Resolved, That the Petition of William Bradley and others, of the Township of Caledonia, in the District of Ottawa, be referred to a Select Committee, composed of Mr. Johnson, Mr. Lyon, Mr. Hall, Mr. Bell, and Mr. Egan, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Of the Rev. W.
Bell and others
referred.

Ordered, That the Petition of the Reverend William Bell, A.M., and others, of the District of Bathurst, be referred to the Select Committee on Intemperance.

Ordered, That Mr. Bell be added to the said Committee.

Public Works.

Ordered, That five hundred copies of the Report of the Commissioners of Public Works, for the year 1847, be printed in each of the English and French Languages, for the use of the Members of this House.

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Cornwall
Election.

According to Order, Antoine Juchereau Duchesnay, Esquire, Member for the County of Portneuf, who was absent, on Saturday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee, on that day; and having verified the same upon oath;

Ordered, That Mr. Duchesnay be excused for not attending the Committee on Saturday last.

According to Order, John M'Connell, Esquire, Member for the County of Stanstead, who was absent, on Saturday last, from the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, attended in his place; and having given satisfactory reasons for his not being present at the meeting of the Committee, on that day; and having verified the same upon oath;

Ordered, That Mr. M'Connell be excused for not attending the Committee on Saturday last.

Montreal Incorporation Bill.

Mr. Holmes, from the Committee of the whole House on the Bill to amend the Act 8 Vic. c. 59, consolidating the provisions of the Ordinance to incorporate the City of Montreal, reported the amendments to the Bill; and the amendments were read, and agreed to.

Ordered, That the Bill, with the amendments, be engrossed.

An engrossed Bill to amend the Act 8 Vic., c. 59, consolidated the provisions of the Ordinance to incorporate the City of Montreal, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Laws relating to the Incorporation of the City of Montreal."

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Supply. The Order of the day for the House in Committee of Supply, being read;¹²

MR. H. BOULTON rose and addressing the Speaker, said,--Before you leave the chair I think it right to make a few observations on the course I intend to take. I do not intend, as I have before said, to divide the House or oppose the Administration upon any of the propositions which they think it fit to bring forward which I can at all approve of; but I think it right, in the Legislative proceedings under our new constitution, to express my opinion respecting the course which the Administration have thought proper to adopt¹³ with reference to the intended prorogation of Parliament.¹⁴ (Hear, hear.) I think, sir, it will be a reproach to Responsible Government and do it an injury¹⁵ ((and)) bring ... ((it)) into contempt¹⁶ in the estimation of the public, if it is conceived necessary upon every change in the Administration of the Government, that the business of the country shall be put a stop to.¹⁷

Loud cries of "Hear, hear," from the Opposition.¹⁸

MR. H. BOULTON ((continued:)) I think that it is an inconvenience which the system of Responsible Government does not render necessary. (Hear, hear, hear.) If such a course is to be the necessary consequence of Responsible Government, I fear it will not be quite as popular as it is expected to be. (Hear, hear.)¹⁹ He saw no reason why they should not pursue the course of British Practice²⁰ and therefore protested against the present action of the House, being drawn into a precedent for the future.²¹ This course shall not be made a precedent of as far as my voice is concerned. Parliament is to be prorogued for some time--for what? For the purpose of enabling the new Administration to be prepared with their measures.²² He would raise his voice against such practice, or any such precedent.²³ I do not wish to find fault with the new Administration; I should be sorry to do it. But I have a high duty to perform, a duty to the country, which I am bound to perform fearlessly, and not because I support a particular administration to acquiesce without observations in everything which they may think proper to do.²⁴

Hear, hear, from the Opposition.²⁵

MR. H. BOULTON ((resumed:)) I think this House ought to be continued in the ordinary way, and complete an ordinary session²⁶--not an extraordinary one.²⁷ I do not intend to put forward the opinion that the Administration should come down at once with all their important measures--I do not say that they should have been prepared at the instant of Parliament meeting with a bill on the College question, or on any of the great measures which the Head of the Administration desires. I think they are quite right in not bringing forward any great measures of importance without consulting one another, and discussing in the Cabinet the course of procedure they should adopt²⁸, for these should not be undertaken hastily²⁹. But it is a very

different thing abstaining from bringing forward the large and important measures which the country is looking for, and allowing the session to go on in the ordinary course and transact the general business of the country which wants so much attention³⁰, ((transacting)) such measures as the Ministry did not oppose, and ... ((which)) independent members desired to go on ... ((with)).³¹ (Hear, hear.)³² This could be done without Ministers being responsible³³. There are many measures which have been postponed during the present session which the Ministry have set their faces against, which might have been proceeded with. (Hear, hear.) I speak as an independent member of this House, and I hope every other member will be equally independent and assert his independence of this or that, or any Ministry, and exercise his own judgment. I think, sir, that it is not desirable, that it is inconsistent with our constitution³⁴ ((and)) with the privileges of Parliament, that every Member of that House should run to the Administration with the Bills they desired to introduce, to get their consent that such measures should pass. It was inconsistent with the independence of Members; it was inconsistent with the constitution³⁵ that any member of this House, I care not on which side he sits, should be regarded³⁶ as opposing a Ministry he had founded,³⁷ as opposing the party which he is supposed to support, because he may think proper³⁸ to introduce and carry some measures to which the Administration had not given its sanction--he did not think members were bound to get the sanction of any Administration.³⁹ (Hear, hear.) I don't think that the measures of this House are bound to come from any Administration of any party--I think, sir, of course, that the Administration ought to exercise a wise, judicious and cautious surveillance over the general business of the country, but I think it would be very much trenching on the independence of members of Parliament, if, for a moment, it went forth that they could give no encouragement to this measure, or discouragement to the other, because it had or had not the sanction of the Government. (Hear, hear.) I think, sir, that nothing is so conducive to the independence of Parliament and to the best interests of the country, as that every member of this House should be willing to bring forward measures which he deems necessary, without ever consulting the Administration. (Hear, hear.)⁴⁰ Every member ought to be free in fact and feeling; it would add most unduly to the power of the Government, if members were bound to ask their consent.⁴¹ I am most anxious then at this, the first stage of Responsible Government, to enter my protest against such principle being, for a moment, entertained by any member of this House; therefore, though I do not mean in any way to interpose my voice in opposition to those measures the Administration may think proper to bring forward to-night, if I can at all concur in them, as I have no doubt I shall, yet I feel it my duty, as this is the first occasion when such a thing has been done, to express my decided opinion that it is not necessary, that it is inconsistent with the proper working of Responsible Government that the course proposed should be adopted.⁴²

Cheering chiefly from the Opposition benches.⁴³

MR. H. BOULTON ((continued:)) It was argued that no member of the Administration was in his place on whom responsibility could be fixed.⁴⁴ Of course, it was most desirable that Ministers should be in the house during

the discussion of important measures, but⁴⁵ I understand that the election for Montreal is to take place on the 25th.⁴⁶

A voice, "no, the 28th."⁴⁷

MR. H. BOULTON ((continued:)) Well the 28th of this month, so that in all probability on the evening of that day the hon. gentleman who is understood to be the leader of the Ministry, will be in his place in this House⁴⁸ and ... be ready to conduct the business of the country⁴⁹ as it is impossible that under the circumstances there will be any opposition to his return.⁵⁰ The hon. member for Quebec might also be back before the end of the month.⁵¹ I am merely pointing out that we ought not to have a prorogation. I know it will take place, but I am stating my reasons why I think the course proposed improper.⁵² He hoped hon. Members in considering this question, would not be carried away by a desire of not opposing the wishes of the Ministers if they thought their intentions were wrong.⁵³ My opinion is that the House might have gone on, and ought to have gone on in the performance of the ordinary business of the country, I don't say the extraordinary business--I don't expect people to do impossibilities--I don't expect that the Administration will be prepared with every measure of importance to the country, but I think this,⁵⁴ the hon. gentlemen now members of the government, must have had a pretty good idea of their position, and ought to have been prepared.⁵⁵ When persons come into office they ought to have, and I have no doubt the present Administration have a clear idea of their political principles and views, and therefore there is no reason why they should not carry on the ordinary business of the country. (Hear, hear.)⁵⁶ What would be the effect of this sudden prorogation? Why the country would have been put to an expense of fifty or sixty thousand pounds⁵⁷ and what good will it be to the country except the change of the Administration which the country looked for, and which I hope they are satisfied with. With the present Administration or a large portion of those in it, I am perfectly satisfied. I think that⁵⁸ most of the present administration were confided in by the country, and were expected to be in the Government as a matter of course⁵⁹; but sir, I must say, that, without desiring to make any observation on any individual whatever, for I think that men of greater usefulness, versality (sic) of talent, and adaptation to their situations, could not have been found than those who compose the present Administration, I allude especially to the Secretary of the Province and the two Attorney Generals; but, I do think that the Administration is too large, (hear, hear,) that it ought to consist of seven or eight, or even as low as five Cabinet Ministers. (Cheers.)⁶⁰ How many had England to conduct the business of her extensive dominions? Thirteen,--and here, in this small country and limited population, they had eleven and anticipated twelve.⁶¹ I think ... that it is more than is expedient. I think seven or eight members enough, and I would go even to five. (Hear, hear.) Because the less the responsibility is diffused, the more it is felt. Then there are offices introduced into the Administration that I think altogether inexpedient. I think the Board of Works ought not to form any part of the Administration.⁶²

Cheers from the Opposition.⁶³

MR. H. BOULTON ((continued:)) For a variety of reasons.⁶⁴ First, because it could not be kept under proper control. Inter pares est equalitas.⁶⁵ ((The Board of Works)) having an immense expenditure of the public money under its control, the other members of the Administration cannot find fault with or disapprove of its expenditure with the same freedom as if the Commissioner was not one of them and were only their servant⁶⁶. Then, who ever heard of⁶⁷ a Cabinet Minister rushing about the country to inspect canals and roads?⁶⁸ (Hear, hear.)⁶⁹ He complained that it was degrading to the Cabinet to place in it such subordinate officers.⁷⁰ I feel it my duty to state, as a member of this Parliament, that I think it wrong to place persons in this Cabinet whose duties are totally inconsistent with the situation which they are called to fill.⁷¹

Loud cheers from the Opposition.⁷²

MR. H. BOULTON ((continued:)) For the acts of the Administration, he held that the whole were responsible⁷³. A few nights before, he had gone back to the time when the hon. member for Megantic was alone in the Cabinet, and had shown that all the hon. gentlemen opposite were⁷⁴ answerable for the acts of the hon. Member for Megantic, committed prior to their joining the Ministry of which he formed a part⁷⁵ even for what took place three years before⁷⁶, and this ((was a)) principle of Responsible Government.⁷⁷ On the same principle the⁷⁸ Commissioners of Public Works ... would be responsible for the acts of their colleagues;⁷⁹ yet how could they be so, when one was perhaps on the Welland Canal or the Ottawa, and another, perhaps at Gaspé?⁸⁰ They would be ignorant of what their colleagues were doing, and could not perform the duty they were appointed for.⁸¹ They would ask, how they could be responsible, and his only answer must be, that they had no business in the Cabinet.⁸² Besides having control of such immense sums of the public money, they ought to be Administrative and not Executive officers, or who was to have control over them.⁸³ There was another appointment to which he desired to make an allusion, though he was sorry, from personal motives of regard to the hon. gentleman who had been named, to be obliged to do so.⁸⁴ The hon. gentlemen opposite did the same thing, or perhaps worse, the hon. gentlemen did what I considered highly improper,--I did not hesitate to say so,--they appointed⁸⁵ the hon. Peter McGill⁸⁶, a gentleman who was President of the Bank of Montreal to be a member of the Cabinet. I say such an individual has no right to be in the Cabinet at all; but I understand within the last few days⁸⁷ the present Government had chosen for a colleague a gentleman who was in the same position.⁸⁸ Mr. Viger ((has been appointed)) to the office of Receiver General, when that gentleman⁸⁹ is President of a Bank with very large stock in it⁹⁰, the Banque du Peuple⁹¹. I say that it is not right⁹² to make such appointments. He stood on the floor of that House as an independent Member to protect the people; and he asserted that no person engaged in commerce⁹³, ((no)) President of a Bank should be a member of any Cabinet whatever, Whig, Tory, or any party. (Cheers.) The reasons are obvious--because they must know everything about the state of exchange in the monetary affairs of the country--they know what money is in the public treasury, and they ought not to be placed in a situation where they can be suspected of putting it in their own way.⁹⁴ Not that he wished it to be

thought he was impugning the probity of any Member of the Administration⁹⁵; he did not believe that the present Receiver Gen. would take any advantage of his position⁹⁶ but they should all be "like Caesar's wife, above suspicion." He defied any one to point out a single instance in the British Cabinet of a Member holding office, and, at the same time, being engaged in commerce.⁹⁷ When Lord Sydenham, then Mr. Poulette (sic) Thompson, was about to become President of the Board of Trade in England, not many years ago, within the recollection of us all, he was then a merchant concerned in large mercantile business both in London and Russia; as soon as he thought proper to take office under Lord Grey, I think it was, for the first time, what did he do? Did he go into the Board of Trade a trader himself, with a full knowledge of the business of the country which he might apply to his own private mercantile affairs? No. Immediately on being offered the situation he resigned his business, dissolved partnerships and from that day to his death was never concerned in any mercantile speculation whatever. (Hear, hear.) There are many honourable instances of the same thing. The Hon. Edward Ellice had once been in trade, but he ceased to be so when he was Secretary of War; and no hon. member of this House can give me a solitary instance of a man carrying on business being a member of the Cabinet or filling a permanent situation in the Government that affords him facilities and advantages which none of his fellow traders enjoy, and which gives him an undue preference over every body else. (Cheers.) I feel it my duty to make these observations, because I feel it my duty to act as an independent member in future⁹⁸. He had a right to express his opinions freely, and he always would do so, whether they affected his friends or enemies,⁹⁹ and I also think that that man is the best friend to an Administration who tells them before it is too late that he does not approve of any of their acts.¹⁰⁰ In the incipient state of Responsible Government, he wished to see established precedents and principles for the guidance of the House, that would be applicable to all Administrations. He never would concur with any Ministry who, in his opinion, was wrong¹⁰¹. I don't mean to say that I withdraw my confidence from the leading men in that Administration; I do not; I have full confidence that they will do what is right; but faith in public men is like religious faith, it is faith in things unseen.¹⁰² Whenever things were done, and could be seen, then confidence gave place to judgment, and the deeds were either approved or condemned.¹⁰³ I believe they are going to do right, but when I see things I don't approve of, I shall say so, without regard to any Administration that ever did or that ever will sit on the Ministerial Benches of this House.¹⁰⁴

Cheers from the Opposition.¹⁰⁵

MR. H. BOULTON ((continued:)) I have made these observations, I do not desire to embarrass the new Administration,¹⁰⁶ but he could not concur with them in their desire so suddenly to stop the business of the country; and he hoped the House would give expression to that opinion.¹⁰⁷ I shall not divide the House against them on these points of supply but I felt it right at this, the outset of a new political era, when we have reached, as it were, the first stage of Responsible Government, to make these remarks, and to state what I consider are the great principles which ought to govern the

gentlemen coming into office.¹⁰⁸

The hon. gentleman resumed his seat amidst cheering from the independent members.¹⁰⁹

MR. CHRISTIE then rose to move an amendment of which he had given notice; he quite agreed with what had fallen from the hon. member who had just sat down, that the Commissioners of Public Works had no right to a seat in the Cabinet or the House, because they were concerned in the expenditure of the public money, and would thus have, at the same time, the auditing of the public accounts.--They ought to be confined exclusively to the duties of their office;¹¹⁰ he also agreed with the hon. member for Norfolk as to the Receiver General, though he confessed he entertained a high personal respect for that gentleman. But he must also say, what he had not heard from the hon. gentlemen on the other side, that he thought there were too many lawyers in the Cabinet.¹¹¹ (Hear, hear.) They had two Attornies General, and two Solicitors General. It might be in the recollection of many in the House, that in 1843, when the gentlemen, now the Ministers, were about to go out, that it was stated in the House, in answer to a motion which he (Mr. C.) had made, that it was their intention that in future the Solicitors General should not form a part of the Cabinet, and yet now they had the two in. There were many reasons for not admitting the Solicitors General to the Cabinet,¹¹² among the rest that while they formed part of the Cabinet, there could be no independent law opinions from Crown Officers.¹¹³ The necessity ((exists)) that the Crown should have the opinion of at least one independent lawyer out of the Cabinet.¹¹⁴ At present when questions were referred to the Solicitors General, there was nothing of that independence in their decision which would attach to those given by men wishing for professional reputation, and knowing that their judgments would be revised by others. Again, if the Solicitors General were in the Cabinet, they must necessarily be engaged in Montreal, while others were employed to do their business in Quebec or Toronto. He would appeal to the common sense of the house whether a Cabinet of twelve members was not more than adequate for the business of¹¹⁵ this thinly populated country.¹¹⁶ In England there were but twelve or thirteen persons in a Cabinet that governed one hundred million of subjects; here eleven or twelve were required for less than two millions. He moved in amendment¹¹⁷, seconded by MR. MERRITT¹¹⁸, a resolution declaring it expedient that the offices of the¹¹⁹ two Solicitors General¹²⁰ and Commissioners of Public Work,¹²¹ should be non-political, and that they should be withdrawn from the political concerns of the Province, and restricted to the business of their offices.¹²²

MR. H. BOULTON, although agreeing with the hon. member for Gaspé, could not, as a supporter of the present Administration (Ironical cries of "Hear, hear"), vote in their absence for a resolution so completely against them as this was.¹²³ If Ministers were in the house, he would vote for it¹²⁴, ((but)) it was neither fair nor just to bring forward this question in their absence,¹²⁵ and he would act unjustly to none.¹²⁶

Loud cries of "Hear, hear," from the Opposition benches.¹²⁷

MR. H. BOULTON ... moved, seconded by DR. NELSON, the "previous question."¹²⁸

MR. DRUMMOND proposed an amendment¹²⁹.

It was (we believe) ultimately agreed that Mr. H. J. Boulton's was the correct course to be pursued to get rid of the motion without the House expressing any opinions as to its propriety.¹³⁰

MR. WATTS urged the withdrawal of the motion of the hon. member for Gaspé.¹³¹ ((He)) was sure the hon. member for Gaspé would do nothing unfair; but at the same time¹³² he did not think that in the absence of the missing Members that such a question should be discussed.¹³³ His motion should not have been made till it could be replied to from the Treasury Benches. He differed from the hon. member for Norfolk, who had complained of the Ministry being too large: why, what did the country¹³⁴ at large¹³⁵ care if the Ministry had two ... three¹³⁶ or four¹³⁷ persons, more or less in its ranks?¹³⁸ He ((Mr. Watts)) considered the prorogation of Parliament to be perfectly justifiable.¹³⁹ The hon. member thought the house should have been kept together, though he was willing to waive the more important measures; why, it was just those important measures that the country expected, and if the house were kept together at all, it should be to pass these measures.¹⁴⁰ It was a waste of the peoples' money to stay these passing Petty Bills.¹⁴¹ The hon. member for Norfolk had declared he was independent. He was independent in the house and out of it; but the country might like to have men there who were as independent in the house, though they were not so independent in their private circumstances as the honorable member.¹⁴² For his own part, as an independent member, he intended to give an independent support to the present Administration.¹⁴³ The agriculturists of Canada sent fifty or sixty members. Should they not, as farmers, be at liberty to send farmers to represent them? If so, then it was worth remarking that no man who lived on his farm, could come to Parliament, if it was held in the summer session.¹⁴⁴ He argued, that to the majority of Members, it would be most inconvenient to continue in Session after the opening of the navigation, and that the House owed a debt of gratitude to Ministers for deciding that the Legislation should be carried on at a period when agriculture and commercial business were at a standstill.¹⁴⁵ The country wanted School Bills and Municipal Bills; but cared nothing for such insignificant changes as those brought forward by the hon. member for Norfolk, relative to the numbers of the Administration.¹⁴⁶

COL. GUGY thought the hon. member who had just spoken was at least consistent. He supported the Ministry, and gave his reasons. But¹⁴⁷ ((he)) could not see exactly the consistency of the hon. member for what had been called in that House, he did not exactly know why, "Glorious Old Norfolk." (Hear, hear, and laughter.)¹⁴⁸

MR. H. BOULTON rose to order; he desired to know whether the hon. member had a right to make use of any soubriquet when speaking of members.¹⁴⁹ (Great laughter.)¹⁵⁰

MR. MORIN said, if the word "glorious" related to the person, it was not in order¹⁵¹. ((But)) the hon. member had applied it to the county; he

was therefore in order. (Hear, hear.)¹⁵²

COL. GUGY certainly never thought of applying it to the person. (Laughter.) As to the place, he would say it was not glorious, if the hon. member pleased.¹⁵³ He would take the liberty of asking the hon. gentleman what he called supporting a ministry?¹⁵⁴

Loud cries of "Hear, hear," from both sides.¹⁵⁵

COL. GUGY ((continued:)) Demonstrating that they were wrong? (Cheering.) If any man had ever made an instructive speech in support of any proposition before that House, it was the hon. member for Norfolk. (Loud cries of "Hear, hear.") He had demonstrated in a most complete¹⁵⁶, direct,¹⁵⁷ and thorough manner, he could not say in the most happy or the briefest manner, (cheers and laughter,) that the hon. member for Gaspé's proposition was constitutional and founded on right and justice; he had anticipated the motion and demonstrated its propriety, and yet the hon. member told them that he would vote against the proposition. (Hear, hear.)¹⁵⁸

MR. H. BOULTON.--No, I said no such thing.¹⁵⁹

COL. GUGY.--Will the hon. gentleman vote for it then? (Hear, hear, and laughter.)¹⁶⁰

MR. H. BOULTON desired that the hon. gentleman, if he quoted his words, would quote them correctly. He had said that he did not desire at all to vote on the question; but that if he was compelled to vote, he would vote with him, but that he thought it unfair to move this resolution in the absence of the Government.¹⁶¹ ((He had)) only moved the previous question, to avoid voting upon ... ((the motion of the hon. member for Gaspé)).¹⁶²

COL. GUGY.--The Honble. Member for, not Glorious Old Norfolk, thought it unfair to propose the House should vote on the motion; but if it was unfair to vote, was it not unfair for the Hon. Member to make speeches¹⁶³ directed to the House and the country ... endeavour((ing)) to destroy the confidence of the country in the Ministers by demonstrating that their course was wrong and erroneous?¹⁶⁴

Loud cheers from both sides.¹⁶⁵

COL. GUGY ((continued:)) That he took to be the logical conclusion to be drawn from the speech of the hon. gentleman; he had meant that, or he meant nothing. (Renewed cheering.)¹⁶⁶ He (Mr. Gagy) would leave the hon. member to choose between the alternatives.¹⁶⁷ The Hon. Member for Old Norfolk (not Glorious)¹⁶⁸ reminded him of a man in a boat, he pulled one way and looked another. (Cheers and laughter.) That was his precise position only his boat had no rudder. (Hear, hear.)¹⁶⁹ But departing from this support of the hon. member, which if it were support at all was certainly most independent, he would revert to the proposition of the hon. member for Gaspé.¹⁷⁰ He (Col. G.) could not but express his opinion on the excessive number of the Cabinet.¹⁷¹ It had recently been intimated to the Governor of Nova Scotia, by the Secretary for the Colonies that three Cabinet Ministers were sufficient for that Colony. Ten Cabinet Ministers had been sufficient in England¹⁷², on whose dominion the sun never sets¹⁷³, at a time when she carried on wars all over the world--during the brilliant and heroic period

of Pitt. In Mr. Fox's Ministry which succeeded eleven persons composed the whole Cabinet. At the present moment it was larger; but even yet had only sixteen members, while it had to manage the affairs of an empire, while there were in England thirty millions of native subjects; and while the City of London alone had more inhabitants than all of Canada. Even for that Empire with India, Australia, the Cape of Good Hope, and the British Possessions in North America, sixteen was an unusual (sic) large number.¹⁷⁴ He thought that to conduct the business of Canada, the number of the Administration was unnecessarily larger (sic), especially for a reform Ministry, and a reform party.¹⁷⁵ Corrupt people would certainly entertain corrupt opinions of the corruption of others, and without imputing anything wrong to the present Government, persons could not help having an idea that their union in such considerable numbers might be for reasons¹⁷⁶ they were ashamed to own¹⁷⁷ ((and)) which they would not dare show to the public. It was demonstrated the other night that, a Committee of twelve might be too large for work; but besides this inconvenience it must be remembered that twelve was the seventh part of the whole house--certainly a greater preponderance in favor of the Ministry than was necessary for the peace or good Government of the country. In a pecuniary point of view, too, he must say that such a number was unnecessarily expensive.¹⁷⁸ He considered the objection to the Sol. Gen. being in the Cabinet most important; nor was the objection to the Commissioner of Public Works of less magnitude. They would be judges in their own cause; they would sit in judgment on their own Acts. They were raised above that responsibility to the public which it was right they should possess.¹⁷⁹ Those who had any subject to discuss with the Board of Works would necessarily find the whole weight of the Ministry opposed to them.¹⁸⁰ The Hon. Member argued, that while the legal adviser of the Administration was attending to his business as a Cabinet Minister, he must be neglecting that of his other office, which, in the mean time, must be done by a deputy.¹⁸¹ The Solicitors General ought ((therefore)) to be excluded It was true a precedent might be cited from the case of the late Solicitor General for Canada (West); but that precedent was in his opinion one, which would be much more honoured in the breach than in the observance. No man could have greater respect for the prerogative than he, but that house had certainly full power to advise the Sovereign, and if a precedent were demanded, he would show one in which the House of Commons declared it inexpedient that there should be any further creation of peers. The Crown might sometimes be coerced, and it was quite possible that a liberal reform majority who were prepared to support a Ministry of twelve, might be equally ready to support one of twenty-four or finally one that should include the whole of that side of the house.¹⁸² Why should not the whole of the majority resolve themselves into Cabinet Ministers? He had heard it had been doubted whether the House was competent to entertain the question. The House had the right, its exercise would have great moral weight.¹⁸³ If the opinion of the hon. member for Norfolk were that of the house, surely there must be some moral power to reduce the number of the Cabinet.¹⁸⁴ He concurred with ... ((him)) that it was most inexpedient to prorogue Parliament in such haste.¹⁸⁵ In ten days there would certainly be enough of Ministers returned to the house to conduct the business of the

country. They were aware that immediately after the meeting of the Legislature power would be placed in their hands; and they must have been prepared for a long time back to come before the country with the measures they deemed necessary. Some measures there were not only necessary but indispensable (sic). The Bankrupt law affected the whole commercial community, and that with a little care might, he thought, be got through. There were Railroad Bills¹⁸⁶ and many Bills which in the aggregate, were of great importance to the country.¹⁸⁷ ((There were)) Bills for the promotion of private enterprise which he thought it expedient to pass, among others, the Portland Railway, which, if Parliament sat a little longer, might be brought under its notice, in a shape that might probably induce the house to give it their attention, then there were the systems of judicature.-- The hon. member for Montreal know (sic) that the system in Canada East was anything but satisfactory; and though he knew little about the other section of the Province he supposed from the advice of his Excellency that a change was necessary there also. There were still two weeks to the period when commerce or agriculture required the presence of those who followed these pursuits, and in leaving town just at that moment, hon. gentlemen would have to travel in the most inconvenient season. These were the reasons why the house should apply itself to some of the subjects to which he had alluded, and should in committee or otherwise attempt to obtain statistics for future legislation.¹⁸⁸ He opposed the prorogation of Parliament and hoped the House would prevent it.¹⁸⁹

MR. CAUCHON remarked that during the evening the hon. member had spoken of all sort of things, including a gnat and a poney (sic) (alluding to some remarks of the hon. member on a previous motion), and he now wanted to know if the affairs of the country were more advanced than they were at the beginning of that evening's sitting.¹⁹⁰

MR. H. SHERWOOD thought there was one thing wanting which ought to restrain the hon. gentlemen from entering into the wide field for discussion which this question afforded¹⁹¹ by the motion for going into committee of supply¹⁹², and that was the presence of the Ministers in the House. (Hear, hear.) If they were in a position to take up these several questions and enter on them fairly, he could say a great deal upon them, but he thought that in justice to those who were compelled by their elections to be absent, that these questions affecting them to a certain extent ought not to be raised. He felt strongly on the question before the Chair as to the Solicitors General sitting in the Cabinet; he had invariably been of opinion that neither of the Law Officers ought to hold seats in the Cabinet, that they ought to assimilate their practice here to the practice in England, and that the Law Officers should be out of the Cabinet, and be in an independent position to give their opinions when the Administration required.¹⁹³ The Law Officers ought to advise the Government; not to carry on their advice in the Government.¹⁹⁴ With regard to the constitution of the present Cabinet he must say this, that he was very much disappointed in that constitution. (Hear, hear.) He did feel that while Her Majesty had undoubtedly the power to call to her councils who and as many as she pleased, that the selection of Clerk of Departments like the Assistant Commissioner of Public Works, was degrading the standing of the Government. (Cheers.) He was

disappointed at the selection of a person to fill that office. He thought the Cabinet had been dishonoured by the appointment of persons of that description.¹⁹⁵ If hon. members would only look back to the resolutions of 1841, they would find nothing like it. In those resolutions the heads of departments were referred, not to sub-clerks.¹⁹⁶ He was not prepared by any address, or by any other course to circumscribe the power of the Crown as to the number of persons who should sit in the Cabinet, but he thought that the Crown should select as her advisers persons who would give dignity to the Council. But if the advisers of the Crown advised Her Majesty to do that which would bring the Government into contempt, they had a right to declare their opinion upon it by an address or by any other means. If this question had been brought up when the Ministry were in their seats, he should, as a slight instalment, support with pleasure the motion of the hon. member for Gaspé, but when he saw no one opposite to him prepared to rise and defend the actions of the Government in placing these gentlemen in the Council, and the reasons why they might be important there, he could not support it.¹⁹⁷ As to the Solicitors General he owned he expected what had been done. The late Ministry had brought the Solicitor General (West) into the Cabinet, he supposed for good reasons; but notwithstanding that, whenever the question came up, he should be prepared to vote against it.¹⁹⁸ He did not purpose giving in any vote of censure in the absence of Ministers, but had a right to express his sentiments. He would suggest that the motion be withdrawn and brought forward at some other time.¹⁹⁹

DR. LATERRIERE spoke in French.²⁰⁰ Etourdi des charges déclamatoires, de cette mitraille parlementaire dont on nous fait trembler sans pitié depuis deux heures, j'avoue que je n'ai pas l'audace qu'il me faudrait pour faire face à un tel tintamarre de paroles. Mais enfin, j'ai un devoir à remplir. Si j'ai bien compris cette motion, que propose-t-on à la majorité de cette chambre? rien de moins qu'une déclaration de non-confiance contre le ministère actuel. C'est un piège? voyez de quelle part il nous est tendu? c'est à ne s'y pas méprendre: c'est nous proposer de renverser aujourd'hui les hommes que nous avons élevés hier! On a dit, et ceux qui soutiennent cette formidable motion disent qu'il y a trop d'avocats dans le conseil exécutif tel qu'il vient d'être constitué; que cet arrangement est des plus dangereux. On aurait du nous dire au contraire qu'il y en a trop dans cette chambre. Ces messieurs, par leurs sophismes, leur stratégie d'état et, conséquemment leurs moyens insidieux, embrouillent les choses les plus simples, les plus clairvoyants finissent par ne plus se comprendre eux-mêmes; personnifiant ainsi la confusion de toutes les idées, de toutes les langues, nous simples campagnards, qui n'avons que des raisons toutes petites à leur donner, jugez, M. l'orateur, quel doit être notre embarras en leur présence? Heureusement l'opinion publique vient à notre secours. La presse, excepté le Herald et le Courier, a approuvé et félicité le pays du changement qui vient de s'opérer dans l'organisation au grand complet d'un nouveau ministère. Ces antécédents des hommes appelés au pouvoir pour manoeuvrer le vaisseau de l'état, sont des garanties d'un meilleur avenir, il faut l'espérer!

Au moins serait-il juste, puisque ces hommes ont eu le courage de se charger d'une aussi grande responsabilité, de ne pas chercher les moyens insidieux de contrecarrer, de vouloir faire avorter leurs dispositions, à

moins donc que dans une prochaine session, qui devra décider de leur efficacité comme gouvernement responsable, ils auraient donné prise à la malveillance de ceux qui ne croient point à ce gouvernement responsable. Cette tentative n'est point surprenante de la part de l'hon. membre de Gaspé, mais de l'hon. représentant de Sherbrooke, c'est de se mettre en contradiction avec son vote de non-confiance contre les ex-ministres, que d'agiter une question qui, si elle était emportée, serait le renversement de l'idole, d'un pouvoir dont il ne fait point partie, à son regret peut-être. Serait-ce bien libéral de notre part, de profiter de ce que ces hommes ne sont point à leur places, de les attaquer pendant leur absence, leur supposer des motifs dans cette nouvelle organisation, qui peut-être sont ceux de l'hon. membre pour Sherbrooke, de se créer des ressources et de s'imposer comme une nécessité pour l'avenir. Mais pour l'amour du pays, pour l'amour de la liberté, (images dont il se sert si souvent avec habileté) qu'il prenne donc patience? Est-ce bien le moment de commencer une telle agitation? va-t-il vouloir préjuger l'opinion publique contre des hommes qui ne sont point encore entrés dans l'exercice de leurs fonctions responsables? Je le répète, quelque soit sa puissante parole, cette puissance ne triomphera pas, car elle ne fait pas cause commune avec la majorité de cette chambre. C'est ce qu'il nous a dit et répété plusieurs fois dans le cours de la soirée. Je réduirai cette question, telle que je l'entends, à sa plus simple expression. La chambre d'assemblée ne pouvant point siéger d'une manière permanente, déléguée, pour ainsi dire, son pouvoir à un organe intermédiaire entre elle et l'exécutif. Cet organe est appelé le conseil de l'exécutif, composé de tous les grands fonctionnaires publics. Il me paraît juste et conséquemment logique que tous les membres de ce conseil, devant leurs attributions respectives, aient voix délibérative; autrement, comment pourraient-ils être solidairement responsables des actes de leurs collègues dont ils seraient isolés, écartés? La responsabilité ne pèserait point sur eux. Quelle serait la garantie de cette chambre? Quel compte pourrait-elle demander, d'actes qui ne seraient point les leurs? Le conseil exécutif ainsi constitué n'est qu'un comité permanent bien payé par cette chambre pour faire et lui rendre compte de ce qu'elle n'est pas en mesure de faire elle-même auprès de l'exécutif. Ne nomme-t-on pas tous les jours des comités de 5, 7, 9, ou 11 membres pour entendre et faire ce rapport sur des objets moins compliqués que l'administration d'un gouvernement? Voulait-on que l'administration d'un gouvernement comportât moins de responsabilité que la référence d'une requête pour une élection contestée? D'après ces raisons, qui me paraissent aussi logiques que celles qui ont été données en faveur de cette proposition intempestive, je voterai contre.²⁰¹

MR. J. S. MACDONALD (Glengarry) addressed the House. He had listened with great pleasure to the speech of his hon. friend from Sherbrooke, particularly to that portion of it which referred to the speech of his hon. friend the member for "Glorious Old Norfolk." (Hear, and laughter.) When an hon. member sat on their side of the House, presumed to belong to their party, and to support the Administration which they had all along supported, and at the same time made a speech calculated to strike a death blow to that Administration²⁰², he could with difficulty reconcile ((it)) with sincerity. If, said Mr. McDonald, the hon. gentleman is not ready to

go with us,²⁰³ he thought it better that he should vote against their party altogether.²⁰⁴

Loud cheers from the Ministerial benches.²⁰⁵

MR. J. S. MACDONALD ((continued:)) and not to affect to be supporting a party at a time when he was openly attacking it. (Renewed cheering.) It was far better that he should go into opposition, than to return to that side of the House, pretending to support them at a time when he was doing all he could to injure them. (Cheers again.)²⁰⁶ I should like to ask if the hon. member's speech was not well calculated to destroy that support which is so necessary for the Ministry, now when they are about to commence the carrying out of Responsible Government?²⁰⁷ The hon. member for Sherbrooke had said that it was dangerous to enlarge the number of the Executive Council, because they might go on to enlarging it to any number.²⁰⁸ However dangerous it may be to enlarge the number of the Executive, I believe²⁰⁹ that if it had been enlarged to a much greater number, and that if certain hon. members had found themselves included in it²¹⁰, we should not have heard the speech of the hon. member for Norfolk²¹¹ to-night. (Cheers.)²¹² It is much kinder, and more generous to act as the hon. member for Toronto had done, than to attack those who are absent²¹³. He thought they ought to adopt the views of the hon. member for Toronto and not attack those who were not in their places to defend the policy they had adopted. (Cheers.) But, whilst he admitted that it was highly creditable to the hon. member for Toronto to have made the admission which he had done, he (Mr. McDonald) was not prepared to take in silence some of the remarks which he had made.--What! were they to be told that the Government had been dishonoured by the appointment of the Assistant-Commissioner of the Board of Works--a clerk, as he had been pleased to call him--to a seat in the Cabinet?²¹⁴ That hon. member stands in Upper Canada in a most enviable position with respect to popularity, such as I question much if the hon. member for Toronto will ever attain to²¹⁵; and yet because the hon. member for Toronto had not felt very well disposed for a number of years towards the hon. member for Kent, were they to be told that that hon. member had dishonoured the Cabinet? Mark his glorious victory in the County of Kent--mark his popularity throughout Upper Canada--and say was it fair to charge that hon. gentleman with having disgraced the ministry by being in the Cabinet? (Cheers.)²¹⁶ He would ask if the late lamented Assistant Commissioner was a clerk? No; he was a useful and serviceable individual.²¹⁷ He ((Mr. MacDonald)) would pledge himself that the people of the Province would be prepared to stand by the gentleman who had been stigmatized to-night on his elevation to the Cabinet--upon whose standing aspersions had been cast very discreditable to the hon. member for Toronto (cheers.)²¹⁸ Each of the hon. gentlemen at the Board of Works would have enough work on his hands, and²¹⁹ he believed that the duties of the two Commissioners of Public Works although in one establishment would be quite distinct;--that of Upper Canada would be delegated to the care of the Hon. Malcolm Cameron--that of Lower Canada to the Chief Commissioner. He should oppose the motion of the hon. member for Gaspé. If he had been called upon at the proper time, he might have agreed with the hon. member for Toronto that the law officers of the Crown should not be in the Cabinet (hear, hear.) He had before expressed his opinion in that

House that the Solicitors General ought not to be in the Cabinet. He was prepared to maintain it now; and when the time arrived when it should be proposed that the Attorney General should be also out of the Cabinet, he should be found ready to support it²²⁰, but in the infancy of our system, I think it necessary that the Government should have the support of their legal characters.²²¹ However, it would disgrace the House to vote on the question when Ministers were not present to defend themselves.²²² He would not unnecessarily prolong this debate; he had merely risen to defend--feebly as he had done--from the aspersions cast upon him, a highly honourable individual, one who enjoyed great confidence with the people of this country, and to deny that the country could ever be disgraced by having the hon. member for Kent called to a seat in the Cabinet. (Loud cheers.)²²³

MR. H. BOULTON (turning to Mr. McDonald) ...²²⁴ ((said he)) was much amused at the hon. gentleman who had just sat down; he had said that he wished that he (Mr. B.) would not "oppose us."--²²⁵ "How we ride," as a fly said sitting on²²⁶ the coach-wheel (much laughter)²²⁷. The hon. gentleman from Glengarry says--I had better vote against "us", if I do not choose to support "us" with my speeches (laughter.) As if I came down here from Canada West to support "us". (laughter.)²²⁸ He ((Mr. Boulton)) came to this side of the House to support a Reform Government and Reform measures²²⁹. Those people took a wrong view of the question if they considered their allegiance to Ministers was paramount to their duty to their constituents.²³⁰ I can tell the hon. member that I sit on this side of the house to gratify no man in it; so if any one labours under the idea that I am going to support "us", he had better disabuse his mind as quickly as possible of that great mistake (renewed laughter.)²³¹

Laughter and cheers from the Opposition.²³²

SIR A. MACNAB thought that the hon. member for Glengarry had been rather hard upon his hon. friend from Norfolk, for²³³ if he understood the two hon. members for Norfolk and Glengarry, they perfectly agreed in opinion. The hon. member for Glengarry said he would vote for excluding the Attorney and Solicitor General from the Cabinet, while at the same time he charged the other hon. member with uttering sentiments injurious to the character of the Ministry.²³⁴

MR. J. S. MACDONALD attempted to explain²³⁵.

But ((he)) was called to order by MR. MORIN.²³⁶

SIR A. MACNAB ... would not submit to anything disorderly; this was not the proper time for an explanation. Perhaps the hon. member for Glengarry might feel the force of what he said--perhaps he might feel that whilst he was charging the hon. member for Norfolk with uttering sentiments injurious to the Administration, he was doing precisely the same thing himself.²³⁷

Cheers from MR. H. BOULTON.²³⁸

SIR A. MACNAB ((continued:)) He understood the hon. gentleman to say that he himself would vote to exclude from the Cabinet Council the Attornies and Solicitors General (hear, hear.)²³⁹ It was entirely a new

doctrine, however, to him, that any members owed allegiance²⁴⁰ to one side or the other, or²⁴¹ to any set of gentlemen merely because they filled the seats vacated by the late Ministry.²⁴² He agreed with the hon. member for Norfolk that constituencies sent hon. members to Parliament to exercise their own opinions and to act independently.²⁴³ He always understood that hon. members came down because they were considered by their constituents men of some sense and understanding, who had opinions of their own, and did not advocate those of other people. The hon. member for Glengarry was he understood, a thick and thin supporter of the Ministry; but still he supposed the hon. member did not receive his brain from them. He (Sir A.) understood the hon. gentleman agreed with them on every thing, therefore he voted with them on everything and was right to do so. But if he did not agree with them, he (Sir A.) apprehended he would not vote with them. He could not vote for the amendment, because it was not proposed at a proper time²⁴⁴. He always thought a Cabinet should be formed of the most eminent men of the party it represented; he did not know if that was the case with the present administration. He was not then called upon to express his opinion upon the members which should form a ministry. It was not just that at this time the house should do so. The late administration consisted of eight, afterwards under peculiar circumstances increased to nine. The present administration numbered twelve²⁴⁵ while in England there were but sixteen.²⁴⁶ He admitted this was not the happiest time to discuss the acts of the ministry, but he could not refrain from asking²⁴⁷ if a single instance could be pointed ((out)) in British history when an hon. member had risen in his place without a single minister being present to be responsible for it, and ask for so large a supply as £200,000 or £300,000?²⁴⁸ He thought ministers, or some of them, should be in their places when supplies were granted. They might have been so.²⁴⁹ He thought no harm could have been done, if the house had not been called on for this vote till after the return of the hon. member for Montreal. At any rate the writs might have been issued sooner.²⁵⁰ The hon. member for Montreal could have been there, and the hon. Sol. Gen. from Quebec.²⁵¹ He concluded by urging ... ((the)) withdrawal ((of the amendment)).²⁵²

MR. J. S. MACDONALD begged to correct the hon. and gallant knight; he had not said that he was opposed to the Attornies and Solicitors General being now in the Cabinet, he had said that this was a new era, the commencement of a Government they had never the like of before--Responsible Government based on a proper foundation. He contended that he was quite as independent in his support of the Administration as any member in the House.²⁵³

MR. CAMERON (Cornwall) was unable to vote for the motion of the hon. member for Gasp., because he could not conceive how it could meet with the support of the House in the way in which it was drawn up.²⁵⁴ It would be committing an act of injustice; although under different circumstances it would meet his concurrence.²⁵⁵ It should not be laid down that the house could not at any time take up the subject.²⁵⁶ It had been contended that the offices of legal advisers of the administration, should not be political

or ministerial²⁵⁷. He was not prepared to vote for this²⁵⁸. He argued they ought not to be ministerial, but they ought to be political.²⁵⁹ He thought that they ought to hold seats in that House and go in and out with the Administration.²⁶⁰ OR He thought not only that the Solicitors General should be non political officers, but even that they should not hold seats in the house.²⁶¹ He should be prepared to vote that the Solicitor Generalships should be abolished altogether, and when the proper time arrived he should be prepared to vote for an address to His Excellency for that purpose.²⁶² OR He thought that the better plan would be to have a Solicitor General at each end of the Province²⁶³. He would have one Attorney General in the Province not in the Cabinet, but of the politics of the Administration of the day.²⁶⁴ He would beg his honorable friend from Gaspé to withdraw his motion because he felt that the house was not in a position to go on with the matter. At the same time he agreed with the hon. member for Hamilton, that the house of Commons could furnish no example of hon. members being called on to go into a Committee of Supply without a²⁶⁵ responsible member of the Government present²⁶⁶ to sanction the proceeding.²⁶⁷ Members on this side of the house had no desire to embarrass the Government; they were entitled to a fair trial. He said hon. gentlemen who acted with him had appealed to the country; they had been²⁶⁸ fairly²⁶⁹ defeated, and would submit with cheerfulness to the decision of the country.²⁷⁰ It was not proper or right that they should oppose those who had been placed in power, in carrying on the measures which they deemed to be for the good of the country. But it was not to be said that they were treating them unfairly, when they had placed the country in an anomolous (sic) position²⁷¹, it must not be said they were doing wrong when they started at being asked for the first time, for £200,000, with no one but a kind of accredited agent to sanction the demand, and²⁷² without having any one there to explain to the House, as a Responsible Minister of the Crown, the views which the Government entertained. (Cheers.)²⁷³ If evil arose out of the acts of the present administration, his side of the house was not responsible.²⁷⁴ He hoped the resolution would be withdrawn.²⁷⁵

MR. DRUMMOND rose amidst cries of "question." Surely hon. members would allow him to express his opinion. (hear, hear.) He never spoke for the mere sake of making a speech; but when he had a duty to perform, he would endeavour to perform it--(hear, hear);--and at the present moment he felt that he had a duty to perform, and he was ready to perform it. (Cheers.) The conduct upon this occasion of the hon. gentlemen who lately occupied the seats about to be filled by the gentlemen last year in opposition, was highly creditable to them and deserving of the gratitude of the country and of the present Ministry. Opposition came not from them--they acknowledged that they had fallen in a fair fight--but it came from the disappointed--(cheering)--from those in whom the country had never placed any confidence, and from those in whom, unless they changed their course, the country never would feel any confidence. (Renewed cheering.) The conduct of the hon. gentlemen opposite was highly deserving of the gratitude of the country; there was no desire on their part to impede the march of the

Government--to throw unnecessary obstructions in the way of Ministers at a time when they were not here to speak for themselves. He thought that this was not the time to discuss a question which was one of the highest importance.²⁷⁶ He would, however, say, that in judging of the questions brought before the house that night, it would be proper to take into consideration the peculiar position²⁷⁷ of the Province of Canada ... before hon. gentlemen undertook to decide what number of officers should advise His Excellency.--There was no other country like Canada. Had we an homogeneous population? no; we had two distinct races here; we had one large and predominant part of the population, as far as numbers was concerned,--the French race;--and he asked, was it not fair that they should be represented in the councils of their Sovereign in this Province? and whether the gentlemen competent to represent the Upper were also competent to represent the Lower section of this Province? There was then no other colony under British Government like this; and, in forming a Cabinet, both sections of the Province ought to be taken into consideration. (Cheers.) It was strange to see these sticklers for the Prerogative of the Crown coming forward some days after a Cabinet had been formed, giving satisfaction to the people of Canada, and finding fault, notwithstanding the existing Councilors, but with the Representative of the Sovereign, for having called so many to his Council, for they must remember that he had a right to call to his Council as many as he pleased.²⁷⁸ The men who were so ready to stand by the prerogative, when it was used to trample on the liberties of the people, were now most ready to restrain it, when it was exercised for liberal purposes.²⁷⁹ Now when the Council had been formed in such a manner as to secure a representation to the people of Lower Canada in the Council, the High Prerogatives of the Sovereign were lost sight of, and the representative was banned for his conduct. (Cheers.) So much in reference to the number of the Cabinet. Now with regard to the particular officers, he humbly maintained that there was no department in the country which so much required the presence of a representative on the floor of this House as the Department of Public Works. (Hear, hear.)²⁸⁰ Those who opposed the present arrangement, were among the first to speak in that sense, when it had no other representative than the first Attorney General of the late ministry. Did not the house repeatedly see that hon. gentleman attempting to give explanations which were entirely unsatisfactory.²⁸¹ Confusion had frequently arisen from the bungling attempts of other ministers attempting to defend in that house, the acts of a department of which they were ignorant²⁸². But it was said, and he had been astonished to hear the hon. member for Toronto, whose conduct had been so generous (hear, hear,) on this occasion, after what he had said, at the opening of his speech, declare that the Cabinet had been dishonoured by the introduction of a certain individual. (Hear, hear, hear.) He thought that the honourable member for Glengarry must have misunderstood the hon. member for Toronto; the hon. member could not have meant to cast any aspersions on the gentleman in question--²⁸³ the Assistant Commissioner.²⁸⁴

Hear, hear,²⁸⁵ certainly not²⁸⁶, from MR. H. SHERWOOD²⁸⁷.

MR. DRUMMOND ((continued:)) No, what he meant was that the office was

one that should not entitle the holder to a seat in the Cabinet. But²⁸⁸ he ((Mr. Drummond)) was astonished that the charge of dishonouring the country by such appointments should be made, if it was the office and not the individual that was complained of, he could not conceive the difference. If the country were dishonoured in one case, it was in the other.²⁸⁹ (Hear, hear.) He conceived that the hon. member had fallen into an error upon this point. Hon. members who occupied seats in the House during the last Parliament must recollect that when the new organization of the Board of Works was proposed, the hon. member who brought in that bill stated that the object of creating two commissioners instead of one was to have a commissioner under whose eye the public works of Upper Canada would be more particularly laid, and another who would have the more immediate surveillance of the works of Lower Canada, and he would ask if the Cabinet be dishonoured by having the gentleman who was to have the surveillance of Lower Canada in the Cabinet? (Cheers.) Would any gentleman say that Lower Canada had a right to have its representative in the Board of Works in the Cabinet when Upper Canada had not? No; he felt sure that there was no man in the House prepared to make such a proposition. (Cheers.)²⁹⁰ Both parts of the Province should therefore be represented.²⁹¹ He had given his views on these points as an "independent member";--he would apply to himself that epithet so frequently abused, he would be sorry to apply it to himself in the sense in which it was applied to some hon. members. He trusted his hon. friend from Norfolk would not suppose that he alluded to him. No; he conceived that the motives of that hon. gentleman had been entirely misconceived and misrepresented by those who accused him of a desire to obstruct the Government.²⁹² He believed there was not a more independent member than the hon. member for Norfolk²⁹³. He (Mr. D.) believed that the object he had had in view was to express an honest, independent opinion, and not in any way to obstruct the Government²⁹⁴, or he would have seconded the motion in amendment.²⁹⁵ (Hear, hear.) The hon. member for Toronto seemed to have placed himself somewhat in contradiction by saying that he always said what he believed to be true, that he always expressed his opinion, and had always been of opinion, that the Solicitors General should not be in the Council of their Sovereign. The hon. member might have determined in time to come, always to express his opinion, but during the last eighteen months, the country had been deprived of that expression, for the hon. member had sat in the Council of the Sovereign in this Province during these eighteen months with the hon. member for Cornwall as Solicitor General (cheers); and during the whole of that time he did not express his opinion as he said he always had done; for if he had he would have resigned his office unless the hon. member for Cornwall had resigned his seat in the Cabinet. (Cheers.) He concluded by reading the amendment he had intended to propose, had the hon. member for Gaspé not consented to withdraw his motion; it was to the effect, that in the absence of the Ministers of the Crown, it was alike unjust and inexpedient to proceed to the consideration of a question arising out of appointment to high office.²⁹⁶

MR. PAPINEAU addressed the House in English. ... The opinion set forth in the proposed amendment,²⁹⁷ qu'on ne puisse exprimer ses opinions,

librement dans cette chambre sur les affaires de la Province, en l'absence des ministres²⁹⁸, was unconstitutional and unparliamentary²⁹⁹. Quand à lui, comme membre indépendant il insiste sur la liberté qu'ont tous et chacun les membres de dire leur pensée sur les affaires du pays. La prétention contraire ferait supposer que le gouvernement responsable a été octroyé, adopté sans que les gens sçussent ce qu'il était et le moins du monde.³⁰⁰ He agreed with the hon. member for Norfolk that the Cabinet, as now constituted, was unduly large and numerous³⁰¹ et en disproportion avec le nombre des membres dans cette chambre³⁰².

Cheers from the Opposition.³⁰³

MR. PAPINEAU ((continued:)) That as to the selection of persons there could be none better chosen in the country; but looking to the responsibility of office--to the actual working office--to the useful and constitutional government of the country--he thought that there were at least strong grounds for the belief that the Cabinet was too numerous (cheers.) He was not now opposing the Ministry, but he protested against the House being whipped into two parties--³⁰⁴ one always voting one way, one another.³⁰⁵ They sought all to be independent members. Lord Sydenham's idea of Responsible Government was, that the heads of Departments, the advisers of the Crown, should have the control of all the subordinates, who should be³⁰⁶ slaves, abject slaves. His system of Responsible Government had been accepted, blindly accepted³⁰⁷ by the people of this country and³⁰⁸ had been blindly acted upon by each and every party³⁰⁹ who had since held office. In England and other independent countries, the Ministers were only responsible for a few measures of great moment, and in which the greatest interests were at stake. They allowed the independence of members to be respected³¹⁰. They allow independent members to introduce bills for the approbation of Parliament; and a great portion of the business of the country is left to the Committees, and other impartial tribunals. The idea of ministers originating every measure was absurd.³¹¹ No men, or no body of men, could take upon themselves the³¹² enormous³¹³ responsibility of taking so many and such a variety of questions into consideration³¹⁴. He wished it to be understood that his observations were not to be construed into a want of confidence in the intentions of the present administration; on the contrary, he had every confidence in them, and he merely desired it to be known that their friends considered it their duty to advise them³¹⁵ qu'ils avaient tort de proroguer si tôt la chambre, de ne pas expédier les affaires du pays vû que la chambre était responsable et pas eux de cela.³¹⁶ The hon. member agreed that some measure to increase the representation of the country was imperatively demanded; the present number being fixed by a Governor and a Council of neuters, whose every act should have been protested against as tyrannical and unjustifiable.³¹⁷ Il désirait beaucoup savoir l'intention du ministère sur cette question de la représentation.³¹⁸ When was the census to be completed; it was to be postponed, and why? only to delay to (sic) necessary reform in Parliament, of which the census shall be the basis; and by management, this measure, so much needed by the country, will be postponed for the next four years, in fact, until the present Parliament expires. The hon. member contended that to put a stop to all printed bills, would inflict as great an injury on the country as the postponement of

resources affecting the great principles of Legislation.³¹⁹ Le ministère aurait dû garder la chambre en session; c'est d'elle qu'il doit attendre des avis charitables. C'est sur elle qu'il doit se reposer. L'honorable membre s'étend au long sur les principes de la liberté commerciale, la libre navigation du St. Laurent et toutes les améliorations publiques possibles.³²⁰ ((He)) believed that Canada should have the liberty of buying and selling either in the market of Great Britain or the United States, whichever answered her purpose best.³²¹ He urged the importance of a speedy canal communication between the St. Lawrence and Lake Champlain and contended at length for the continuation of the present session.³²² If parliament was prorogued, the hope of a speedy canal communication between the St. Lawrence and Lake Champlain would be lost, and no one could estimate the injury this would inflict on the country. Let us once have good communication and Free Trade, with the U.S., and that magnificent country would be to us as if it were ours by right of conquest. The hon. gentleman alluded to many important commercial measures, which he thought it imperative, should be immediately Legislated on; as well as the construction of bridges and other improvements.³²³ Le parti libéral et tout le pays attend ces mesures du ministre et il lui semble que les affaires ne devaient pas être arrêtées en ce moment. Il est vrai que pour le présent le ministère n'a aucun de ses membres en chambre, mais n'est-il pas représenté par la majorité qui l'a placé au pouvoir?³²⁴ We do not, said the hon. member, understand Responsible Government, if we assert these subjects cannot be proceeded with, without the concurrence of the ministry. That they should have the credit of originating the measures of others, would be unjust, and if they insisted on having the right to do so, they would be attempting to destroy the independence of Parliament. He would vote that the Session be prolonged, but he would also vote the supplies. He would not ask Ministers to do what was impracticable, but he would ask them not to impede what could be done. If the House would consent to remonstrate with them, and if, after that remonstrance (sic), they persisted, the responsibility would be theirs. He was sorry to disagree with friends on what he considered a solitary error. The hon. Member then discussed the passing of the Union Act, which, he said, had been accomplished by fraud, violence, and corruption, and had led to similar results.³²⁵ Il blâme la conduite des chefs du parti libéral qui selon lui, avaient pris alors une mauvaise route et qui maintenant semblent vouloir empêcher la libre expression de l'opinion dans la chambre. L'opposition avait belle grâce l'année dernière d'accuser l'ex-ministère de se cramponner au pouvoir, elle qui n'avait pas protesté ni réclamé, quand l'acte même qui avait enchaîné le peuple, l'autorisait à le faire. L'acte d'Union avait créé³²⁶ a rotten borough system, the effect of which was to introduce not a free, but a purchasable election. What now decides the votes of the Constituencies³²⁷ en Haut-Canada?³²⁸ Was it not deplorable that Lower Canada should be so situated, now she had the protection of the example of the United States? The hon. gentleman here pronounced a flaming eulogy on the United States, its people, its laws, its financial prosperity, and its Republican Government. He then adverted to the Solicitor and Attorney General having seats in the Cabinet, of which he disapproved; he contended that the Commissioners of Public Works had no right to the Ministry, they having the expenditure of so much of the public monies.³²⁹ Il censure la

nomination de M. L.M. Viger; comme ce monsieur appartient à une institution financière et en est le président³³⁰. He censured the appointment of Mr. L. M. Viger on the same grounds as he condemned that of Mr. McGill by the late Cabinet. It was an indiscretion in both instances³³¹. La demande des subsides que le ministère faisait aujourd'hui comme il la faisait, était sans exemple dans les annales parlementaires³³² but still, the present Government had his confidence; he daresay he should not be found voting against them once in ten times, which case, were the late Ministry in office, would be exactly reversed. He concluded by entreating the Government³³³ for the last time³³⁴ to reconsider the determination of proroguing Parliament, even if they prolonged the sitting for another fortnight.³³⁵

MR. CHAUVEAU addressed the House in French.³³⁶ M. l'orateur cette discussion est la suite et la conséquence d'autres débats. Je crois que c'est un devoir pour tous ceux qui ont déjà pris une part active à la politique du pays de dire franchement leur pensée sur les questions importantes que, hors de cette chambre et dans cette chambre, l'honorable membre pour le comté de St. Maurice à cru devoir évoquer à plusieurs reprises. Je ne ferai pas à l'honorable préopinant de ces banales protestations de respect, qui ne servent à rien et ne signifient rien: après le rôle qu'il a joué dans la politique de ce pays, après le témoignage glorieux que son pays lui a rendu au retour d'un exil de huit années, pareilles protestations de ma part seraient parfaitement inutiles. Je me bornerai à dire que sur plusieurs points je m'accorde parfaitement avec l'hon. membre qui vient de s'asseoir; et j'expliquerai pourquoi je diffère d'avec lui sur quelques autres points. Je réserverai cependant pour une autre occasion, mes opinions sur des questions toutes ministérielles, auxquelles ont trait les motions maintenant devant nous, et sur la formation du ministère actuel. Ces questions toutes ministérielles et presque personnelles pour les ministres, ne doivent point se discuter dans leur absence.

Je regrette vivement avec plusieurs des préopiniens que nous soyons forcés de voter les subsides sans avoir de ministres responsables au milieu de nous: je regrette qu'il n'y ait pas de session à proprement parler, et que nous nous soyons réunis ici à grands frais pour faire très peu de chose en vérité; mais je ne crois pas que pour cela, on puisse raisonnablement blâmer les ministres actuels (écoutez!) La position qu'ils occupent, ils ne l'ont pas faite eux-mêmes. Ils viennent à la suite d'un pouvoir corrompu et corrupteur, d'un pouvoir qui n'a gouverné qu'en vue du pouvoir, et qui pour s'y maintenir plus longtemps, a mis le désordre partout. Notre pays est d'ailleurs un pays exceptionnel sous bien des rapports, et placé dans des conditions d'existence sociale et politique encore plus exceptionnelles. Dans un pays où l'opinion publique est sans cesse en émoi, et pour bien dire toujours sous les armes, les hommes qui veulent du pouvoir, doivent être prêts à s'en servir au moment même où ils s'en saisissent. En est-il de même ici? Avons-nous une population homogène? Un ministère nouveau ne contient-il point des élémens divers, des hommes qui ont besoin de rester quelque temps ensemble pour s'entendre? N'avons-nous point une contrée singulière, immense en longueur, assez longue pour border huit des états de la confédération Américaine, s'étendant même dans des climats différens;

contenant diverses races, des populations diverses d'origine, de langage, de religion, de moeurs, de civilisation, d'antécédens politiques; et ne faut-il pas un peu de temps pour trouver ce qui convient à tous les habitans de cet étrange pays, où vous trouvez juxtaposés tous les degrés de la civilisation depuis le pionier isolé dans la forêt, jusqu'à l'homme de la civilisation Européenne la plus raffinée? D'ailleurs les chefs de la nouvelle administration auraient-ils ici comme lord John Russell, ou Sir Robert Peel, leurs mesures toutes prêtes dans leurs portefeuilles (sic)? n'y a-t-il pas dans ce ministère des hommes qui ne devaient point s'attendre à s'y trouver? (Ecoutez!) Ces hommes ne doivent-ils pas avoir le temps de considérer et d'étudier les mesures que leurs collègues ont préparées? Il me paraît juste en thèse générale que cette chambre ait suspendu ses travaux dans l'absence des ministres, et qu'elle ne les blâme point pour une prorogation que je crois inévitable. Cependant toute règle a ses exceptions: dans tout ordre de choses, il y a l'excès, l'abus, la caricature, le charlatanisme; cela arrive quand on pousse la règle trop loin, quand on ne veut pas admettre les exceptions légitimes. Le gouvernement responsable me paraît susceptible d'avoir comme tout autre ordre de chose ses excès, son charlatanisme, ses caricatures; cela arrive lorsqu'on veut rapporter jusqu'au moindres chose à son action. J'étais prêt à voter il y a quelques jours la prise en considération d'un projet de loi pour rappeler les lois de banqueroutes. Je croyais et je crois encore que j'avais mis le doigt sur une exception. La présence des ministres ne me semblait point nécessaire, pour voter ce que les deux côtés de la chambre s'accordaient à demander, ce qu'on nous représentait comme urgent de toutes parts. L'honorable représentant du comté de Rouville pour ne pas embarrasser le nouveau ministère, et aussi après s'être entendu avec ceux qui l'avaient chargé de cette mesure a retiré son projet de loi. Je suis loin de blâmer l'honorable membre, je l'approuve au contraire. Mais si le commerce qui avait chargé l'honorable membre de cette mesure, si l'honorable membre lui-même eût cru devoir persister: j'aurais certainement voté avec lui. Il y a encore d'autres projets de loi propres à remédier à des inconvéniens pratiques, à des contradictions, à des difficultés techniques dans les lois existantes, dont j'aurais désiré que la chambre s'occupât pour la même raison.

Passons à des choses plus graves. L'hon. membre pour le comté de St. Maurice blâme la politique suivie dans ce pays depuis l'Union. Il admet cependant que le pays a protesté contre cet acte arbitraire. Il admet surtout que les districts de Québec et de Trois-Rivières ont fait noblement leur devoir dans cette circonstance. Il n'ignore pas non plus que les mandataires du peuple ont protesté en chambre; qu'ils ont enregistré leur protêt sur les registres de cette chambre. Cela fait, que veut-il? Que pouvait-on, que devait-on faire de plus? Fallait-il toujours protester et ne jamais agir? Fallait-il se croiser les bras, se laisser lier les mains, et laisser pousser jusqu'à leur dernière conséquences le mauvais système? Ne fallait-il point songer aussi à la législation, songer aux choses pratiques? Ne fallait-il pas essayer de reprendre ce qui nous appartenait au moyen de ce qu'on nous avait laissé? Certes c'était bien une chose infâme, un attentât, un crime politique (car il y a ces crimes dans l'ordre politique comme il y en a dans l'ordre moral) de la part d'un grand empire, d'une nation riche et puissante,

d'aller dire à une partie des habitants d'une pauvre petite colonie, perdue dans un pauvre coin au bout du monde: vous ne serez plus maîtres chez vous, vous n'aurez plus de droits politiques; nous allons vous noyer, vous anéantir: vous avez bien le sol de vos ancêtres; vous avez bien le nombre pour vous; mais d'un trait de plume nous allons effacer tout ce qui pour les autres hommes est la conséquence de semblables avantages. Il était juste qu'un cri de détresse, qu'une protestation énergique suivit un pareil acte. Mais après?... Et ne me dites point que nous laissons proscrire nos droits. Les droits des peuples, les droits de l'humanité sont imprescriptibles. (Ecoutez!)

Je ne veux certainement pas être M. l'orateur, l'homme des idées rétrogrades; je ne veux pas être non plus l'homme d'un avenir qui exagère; je ne veux point blâmer ce qui a été fait; mais je veux encore moins m'engager d'avance à dire que tout ce qui se fera sera bien: homme du présent; avant tout, je dis: respect au passé, et courage à l'avenir. (Très bien!)

Le peuple a poussé le cri de la réforme électorale. L'honorable membre pour le comté de St. Maurice a éloquentement développé la nécessité de cette réforme. Le peuple l'a demandée, le peuple le demande encore, et je me flatte qu'il la demandera jusqu'à ce qu'il l'obtienne. La formation d'un nouveau ministère ne doit pas empêcher que l'on s'occupe d'une aussi importante question. Plus il y a de difficultés, plus on devra insister, plus on devra demander par la voix de la presse, et aussi par le moyen de requêtes, qui devront couvrir la table de cette chambre lors de la prochaine session, ce qui n'est qu'une conséquence logique et vigoureuse, un développement indispensable des institutions qu'on nous a données. C'est le fonctionnement de ces institutions qui nous a démontré d'une manière pratique la nécessité de cette réforme. Lorsqu'on a vu qu'avec les principes même du gouvernement responsable, il était possible, il était loisible à un gouverneur, un beau matin, soit par des instructions sacrées, soit par un caprice, soit par le résultat d'une intrigue, de renvoyer son conseil, d'en former un nouveau à sa guise, d'acheter une part de la représentation, de se faire une majorité factice, et de gouverner trois ou quatre ans contre les vœux bien entendus du peuple; c'est alors qu'on a vu que la réforme électorale était indispensable et que sans elle le gouvernement constitutionnel pouvait devenir une illusion. Quatre années d'un gouvernement détestables, qui se traînaient misérablement sur une majorité d'une ou deux voix, d'un gouvernement qui ne savait point ce qu'il voulait, qui ne savait point ce qu'il faisait; d'un gouvernement faible qui faisait même le mal qu'il ne voulait pas faire: quatre années d'un pareil état de choses ont tiré de nos poitrines dans cette chambre et de la voix du peuple hors de cette chambre, le cri de la réforme électorale. Parce que nous avons aujourd'hui une majorité, je ne crois pas que nous devions nous taire. Je ne crois pas que l'opinion publique, parce qu'elle a triomphé, doive abdiquer ou mourir le lendemain de son triomphe. (Ecoutez!) Le district de Québec et le district des Trois-Rivières auxquels l'honorable membre a fait allusion au sujet de l'Union ont encore dans cette occasion fait noblement leur devoir. Ils persévéreront sans aucun doute.

Je me flatte qu'avec le temps nous obtiendrons d'une administration libérale ce que nous avons osé demander à une administration ennemie. Je me flatte que cette administration libérale s'instruira de l'opinion publique, ne cherchera pas à la comprimer sous prétexte que cela la gêne ou l'embarrasse; que cette administration libérale ne fera pas comme font souvent les chefs d'un parti

populaire victorieux, qui plantent sur la citadelle de l'ennemi leur drapeau, puis se retournent vers ceux qui les ont suivis pour leur crier: Liberté! Liberté!.... de ne rien penser, de ne rien dire, de ne rien faire! J'espère aussi qu'elle saura réprimer le zèle indiscret des subalternes et des partisans aveugles, qui ne manqueront pas de se scandaliser de l'indépendance des représentants du peuple. Une administration forte et populaire ne doit pas craindre une opinion publique indépendante; elle doit employer ses forces contre ses ennemis et non pas contre ses amis.³³⁷ ((He concluded by urging the withdrawal of Mr. Christie's motion.))³³⁸

DR. NELSON trusted that the house would allow him to make a few remarks upon the present occasion.³³⁹ Il est prêt à défendre la politique du cabinet.³⁴⁰ ((He)) said that he had listened with great pleasure to what had been said by his young friend³⁴¹ and fully agreed with him that Ministers ought to have time to mature their measures.³⁴² ((They ought)) not drag their friends the Ministers before the public at a time when they conceived that they were not prepared to meet the country with these measures which were required from them. (Hear, hear.)³⁴³ Time is required for great things, and³⁴⁴ he conceived that those who expected all those great radical changes which must be gradually brought about, to take place at once³⁴⁵ and those who would drag them forward unprepared were³⁴⁶ dans son humble opinion,³⁴⁷ not good citizens; not good politicians; not good men.³⁴⁸ He would take that opportunity to say,³⁴⁹ ((that)) he thought that the gentlemen opposite had conducted themselves, since they changed sides in that House, generally speaking, in a manner which did them infinite honour;³⁵⁰ and he was now prepared to say that they were honourable men, although he had never thought so before.³⁵¹ They had refrained from throwing difficulties in the way of the Ministry, when they had it in their power to have caused them great trouble--the members opposite had acted with forbearance and generosity, which showed that they did not wish to give any³⁵² miserable³⁵³ factious opposition, and which showed that they were actuated by principle. They have said that they appealed to the country, and finding that it was against them,³⁵⁴ they bore their defeat gracefully;³⁵⁵ they had the generosity to give fair play to those who had been chosen to replace them--³⁵⁶ they were not disposed to offer any factious opposition to those who have succeeded them.³⁵⁷ Their conduct since that defeat would raise not lower, them in the opinion of³⁵⁸ every man of sound understanding, and they deserved the favour and good will of their country.³⁵⁹ But, it had been said, that the Ministry should have been prepared with measures, as they were aware that they were coming into office.³⁶⁰ That was a most extraordinary assertion to be made in this House. How would they expect to be in office?³⁶¹ How could they know the late Ministry would have appealed to the country, at the time that they did?³⁶² Would the hon. gentlemen opposite, who had vacated office, have consented to appeal to the country had they not expected that the public voice would have been in their favour? If they had their appeal thinking that they would have been defeated, they would have shown very little judgment--they had not expected the defeat they had got, but they had submitted to it gracefully, and he (Dr. N.) doubted not that on all great constitutional measures they should be able to unite harmoniously.³⁶³

Ironical cheers from the minority.³⁶⁴

DR. NELSON ((continued:)) But how could the present Ministry be prepared

with measures when there was no expectation, at least when it was extremely doubtful, that they would come into office? (Hear, hear.) And more than that,³⁶⁵ how could the Ministry be expected to bring forward measures until they learned something of the real state of the affairs of the country? How could they know anything about the real state of the affairs of the country, until they came into office?--³⁶⁶ He hoped that things would not be found to be in so bad a state as some people anticipated, but still it was the opinion of the Ministers that Parliament had better be prorogued, and was it fair to force them against their own convictions to continue the session? (Cheers.)³⁶⁷ It had been said that there should be no prorogation, for there were only a few minor measures to be brought forward. How many of these small measures, he would ask, when they had fallen upon the country, might prove injurious to it?³⁶⁸ He considered Ministers were pursuing the proper course, and he thought himself as independent as any Member in that House.³⁶⁹ The hon. member for Quebec had said that he would support the Ministry, but that he would not be their slave;³⁷⁰ he (Dr. N.) would watch the Ministry, and he trusted other members on his side would do so also. They would give the Ministers no slavish support, but in their turn, they would not seek to make slaves of them.³⁷¹ Respectons notre position actuelle et ceux que nous avons placés à notre tête pour conduire les affaires. Ne perdons pas de vue la lourde responsabilité de ceux qui sont maintenant chargés de faire les grandes réformes dont le pays a besoin.³⁷² They might dissent from them on some measures, but³⁷³ they had confidence in this Ministry, let them and their party go³⁷⁴ upon all great measures which came before the House, give their support to those men whom they had put at their head--whom they had appointed to act for them.³⁷⁵ For himself, in supporting this Administration, in whom he had full and unbounded confidence, he was but complying with the wishes of his constituents, who had pledged him to support the party now in power.³⁷⁶ He had wished to know if he would be doing his duty in giving them his support; and when he went before his constituents at the late election, he put to them the names of three or four leading Statesmen, who, he thought, would probably be at the head of a new Ministry--which, from circumstances, he thought would probably be formed. He asked his constituents if they had confidence in these men, and they replied that they had--did they think they knew the interests of the country, they replied they did--and did they wish that he should give them his support, they replied they did.³⁷⁷ L'honorable membre croyait de son devoir de suivre ces instructions de ses électeurs.³⁷⁸ But altho' he gave them his support, he did not wish to make slaves of them--³⁷⁹ he would not be the slave to these gentlemen, but at the same time it was not just, it was not fair to thwart them and impeach them on the very threshold of their administration.³⁸⁰ Let them recollect that it was the Ministry who had assumed the responsibility of proroguing the Parliament³⁸¹. ((Therefore)) the country had reason to expect that when those gentlemen returned to the House to meet their friends, their advisers, their supporters, they would come with measures well matured, and that they would not come and pass measures in hot haste³⁸² that they might be repented of at leisure--³⁸³ ((and)) that would require endless alterations and amendments,³⁸⁴ ((and)) which would require them to use the pruning knife,³⁸⁵ a mode of Legislation which had a tendency to shake the confidence of the people in their representatives³⁸⁶. Nothing could be more injurious, for if the country required anything, it was perfect legislation. If there had been much opposition shewn to the Education Act, to the

Municipal Act, much of it was to be attributed to the numerous changes which had been made in them, year, after year, so that the people now expected a yearly change: and some persons had contrived to make political capital by saying that, at the next session, they would propose such and such amendments.³⁸⁷ He hoped he should hear for the future much less about the iniquity of the Union,³⁸⁸ about a Repeal of the Union Act³⁸⁹, and other matters which had been talked about, which he considered to be "bunkum."³⁹⁰ Let them recollect that they were Legislators--let them remember the respect which they owed to themselves, to the country,³⁹¹ to society³⁹², and to posterity--and let them not legislate in a manner which would bring disgrace upon themselves. Such members had spoken about the necessity of passing measures for increasing the representation--measures about the free navigation of the St. Lawrence--about Canals and Railroads--and had asserted that persons were anxious to invest their money in such undertakings³⁹³. He would ask any hon. member was it fair to say that they must have a Repeal of the Union, an increase of the representation, the freedom of the St. Lawrence, and the opening of a canal between the St. Lawrence and Lake Champlain, all at once? Was it possible, was it reasonable? Hon. members were undermining the very foundations of the Ministry they proposed to support.³⁹⁴ Did not these measures require to be well considered--did they not affect the welfare of the country, and was not much of the distress, which lately existed in England, owing to the enormous investments made in Railroads.³⁹⁵ On a dit qu'on voulait empêcher la libre opinion des membres de cette chambre et cacher la conduite du ministère.³⁹⁶ But he did not want to hide them; he wanted the public to see them and to express its opinion about them, to see that they were friends of Responsible Government; but he did not wish to harass them.³⁹⁷ Pourquoi harceler harasser les membres du ministère, surtout quand ils ne peuvent se défendre? Est-ce juste et honnête?³⁹⁸ The members opposite had had their day, they had lately received a lesson³⁹⁹ dont ils profiteraient sans doute, en suivant la même conduite généreuse qu'ils avaient montré dans cette session.⁴⁰⁰ He did not like them politically, they were the old family compact, but he must say that, since the present session had commenced, the members from Upper Canada had done much credit to themselves; they had exhibited much generosity. He had heard a great deal said against the Union, and there might be something in what had been said⁴⁰¹. He doubted not that it was brought about in a most unfair manner, that it was carried by violence,⁴⁰² and badly concocted⁴⁰³, but it was one thing to talk about the injustice by which it had been brought about, and quite another to say that it should be done away with. Since it had taken place,⁴⁰⁴ how was it now to be altered for the better.⁴⁰⁵ He did not see how, if it was done away with, they could be transplanted to their former position--⁴⁰⁶ the thing was impossible⁴⁰⁷. Did hon. Members fancy they ever had a chance of getting their money back again from Upper Canada, if they did, they were marvelously deceived.⁴⁰⁸ Upper Canada, even if willing, could not give back the money which we have spent there.--⁴⁰⁹ (rires prolongés⁴¹⁰ and cheers.) He was, therefore, in favor of the Union being continued, but the last Election had made him still more in favor of the Union. When he looked at the men which Upper Canada had sent to that house, and when he looked upon the talent which was arrayed on the benches on his side, he must say, that he was not so dreadfully afraid of the Union; because where they measured their talents they found that they had been able to cope with their friends opposite--and there was one thing which the Country had gained by the Union, and that was⁴¹¹ the blessing of⁴¹² Responsible Government,

which emanated from the resolutions of 1841. Before the Union the poor unfortunate people of Lower Canada, were thought to be in such an unenlightened state that they did not deserve, or indeed that they could not understand, Responsible Government, and hence a source of many of the injuries inflicted upon that country, but since they had been united with the people of Upper Canada, they had obtained the rights which they desired; and he trusted they would be willing to fight in defence of these rights--they must have those rights, and they would not be contented with the shadow of them.⁴¹³ ((But)) it was folly for hon. members to pursue shadows while they possessed the substance.⁴¹⁴ Some people had said that he had become monstrously loyal of late, and that his present sentiments were very different from those he had previously held⁴¹⁵. He denied this.⁴¹⁶ He (Dr. N.) assured them, his sentiments had never changed.⁴¹⁷ All he wanted at any time was his rights as a free man⁴¹⁸, he asked for nothing more⁴¹⁹, and having gained these, he was prepared to defend them⁴²⁰ with the last drop of his blood.⁴²¹ He could prove he had not changed.⁴²² When he was obliged to leave his country, a number of years ago, he was received most cordially by the people on the other side of the lines--whose institutions and manners he admired, and whose enterprise and prosperity he wondered at⁴²³. ((He)) was asked to abjure his country; was offered advantages if he would do so;⁴²⁴ it was tendered to him to make him a citizen of the Republic,⁴²⁵ but no, he replied, Canada was his home, British blood was in his veins; he was a dissatisfied subject, but he was a subject still, and he told his American friends that he knew well that the time would come when right would be done, and⁴²⁶ in a short time, when a better state of things existed,⁴²⁷ he should return to his home with the dignity of a man who had suffered for conscience sake, and the privileges of a British subject, which he loved and would defend⁴²⁸. He said he admired their institutions in the United States, and how smoothly all went on; yet,⁴²⁹ he might be allowed to reply to the laudations they had heard of America and the Americans, that, although all now was palsied, not a ripple was to be seen on the surface of the tranquil lake; that⁴³⁰ they had learned from men that had lived amongst them, that the Government does not always run smoothly, and that the stream does become turbid at times; and, though he admired their institutions and thought them well calculated to advance the interests of the people, it remained to be seen whether, perhaps, that extraordinary prosperity, which they give rise to, does not carry with it the seeds of destruction.⁴³¹ He hoped this would not be the case; he hoped for ages America would continue to be the refuge of the exile and the oppressed.⁴³² He was perfectly happy and contented with the Responsible Government they now enjoyed, and, if it was properly carried out it would leave them nothing to envy on the other side of the line ⁴⁵⁰. The change which had lately occurred in the house, shewed that they had Responsible Government and the excellent man, the able statesman, now at the head of the Government has shown that he understands Responsible Government, and that he was activated by honest principles, in the course he has lately pursued. But, although the Ministers were all honorable men, he hoped the house would hold them by their principles when they again came before them--they had asked for time and he hoped they would give them it.⁴³³ He concluded ... by urging the withdrawal of Mr. Christie's motion.⁴³⁴

MR. H. SHERWOOD said he was not in his place when the hon. member for Glengarry had charged him with having made an attack upon an absent member. (Mr. M. Cameron). He wished to disavow having done so, he never would attack any person

when absent, he had made no reference to Mr. Cameron's private character whatever; all he stated was, that he considered the appointment of a person holding the office of Assistant Commissioner of Public Works to be a member of the Executive Council, took away from the dignity of the Council. He (Mr. S.) had always been opposed to the Solicitors General being members of the Executive, and when he accepted that office in 1843, it was one of the conditions of which he took it that he should not be a member of the Council. When he afterwards joined the Ministry, as Attorney General, he found his hon. friend for Cornwall, belonging to it; as the hon. member was a member of the Executive before he joined it, it was not in his power to prevent his continuing so, nor did he conceive he had any right to demand that, he should be deprived of that office--he therefore denied having been inconsistent; his opinion had always been the same.⁴³⁵

MR. BADGLEY said they had heard a great deal about whether the house should be prorogued or not; but that it did not appear to have entered into the head of any person to make a substantial motion, which would have brought the matter to a determination by every member voting for or against it. The honorable member for Gaspé's motion was withdrawn and the only question before them was whether the supplies were to be granted or not. In the question of the supplies great scope was allowed, and many had used it to a great extent; it was quite right that those gentlemen, the only men who could give the Governor advice as to the course to be pursued, should be in Parliament to express their opinion upon measures, and whether the Ministry should be composed of eight, nine, or ten members; he thought it was very properly stated by his friends on his side to be entirely a⁴³⁶ question with which the House had no concern, and could not interfere with without encroaching on the prerogative of the Crown.⁴³⁷ In England they had not only the heads of the departments, but also the Assistants and under Secretaries in the Government--those were the men who worked out the details, and if the Ministry found it necessary for the good Government of both sections of the Province, that their members should be increased, it was, he contended, a matter certainly of prerogative.⁴³⁸

MR. WILSON was opposed to the preceding motion, and was also opposed to the present one--the Ministry had a right to go on as they pleased until they came before the House, and it did not become those who had been fairly beaten, to take advantage of their absence to embarrass them. He would oppose every attempt to do so; he would try the Ministry by their measures, and would support every measure which he considered a good one. He thought it ungenerous and unjust to attack them whilst they were absent.⁴³⁹

MR. HOLMES did not often trespass on the House, but he could not upon this occasion give a silent vote. He regretted that the circumstances of the country were such as to compel the present Administration to defer the consideration of the various important questions which had been alluded to⁴⁴⁰ until another session; and he thought that the country should know the reasons. During the late elections there was much excitement,⁴⁴¹ the attention of the public had been drawn to those great measures which it was intimated would be carried by the Reform Administration, and they were now looking anxiously to that Administration to redeem the promises which they had made at the hustings. That there were many and important measures which⁴⁴² he had hoped to have seen introduced this session⁴⁴³ was beyond a doubt, and amongst others that of

increased representation⁴⁴⁴ was a great ... measure,⁴⁴⁵ of the highest importance,⁴⁴⁶ and which he thought would have been the grand measure of the session; and he regretted much that⁴⁴⁷ the circumstances of the Administration had compelled them to defer it. They had had during the present session Responsible Government conferred on them for the first time: the principle of Responsible Government had been fairly and honestly carried out.⁴⁴⁸ They had Responsible Government nominally for a number of years, but in whose hands had it been placed? into the hands of⁴⁴⁹ persons avowedly opposed to its principles, and therefore the system of Responsible Government could not be carried out honestly and fairly.⁴⁵⁰ In the meantime, they were not secure of their liberties, until they put it beyond the power of any Ministry to corrupt this House⁴⁵¹. It seemed to him to be incumbent on the Administration to bring forward a measure that would give the country a good and fair representation, such as would put it out of the power of the Government to corrupt this House (hear, hear.)⁴⁵² If they had 160 members in the House they would have the country better represented, and they would render it impossible for any Ministry to purchase up a majority. There were other very important measures which he was sorry to see deferred--There was the Navigation Laws, and the country would regret deeply that they had not been agitated during the present session⁴⁵³. There was throughout the country an opinion that it was necessary for the well-being and the advancement of the interests of this great Province that the navigation of the St. Lawrence should be thrown open to the world; that was one measure expected by the country at large. Then there were various measures of internal improvements--the opening of railways and canals--of great importance to the whole Province⁴⁵⁴; and there was one which had caused great attention in Montreal--he referred to the proposed Canal, by which the waters of the St. Lawrence would be united with those of Lake Champlain--which would increase their trade beyond all calculation, and would enable them to recover that portion of it, which had, in some measure, been already diverted from the St. Lawrence. It would also, it was expected, furnish them with an up-freight to Upper Canada, which would be one of the greatest boons they could offer to the country, as it would enable them to lower the downward freight, to a lower rate than the Americans could bring down produce for,--And the people will ask why this⁴⁵⁵ ((and)) why the ((other)) great measures had not⁴⁵⁶ been brought forward, and will naturally blame the Ministry for having delayed it. What, then, is the reason that they have been obliged to close?⁴⁵⁷ It was because the finances of the country were found to be in a most extraordinary⁴⁵⁸ ((and)) deplorable state, from the neglect and mismanagement of the late Ministry,⁴⁵⁹ (hear, hear), so as to render it utterly impossible that the present Administration should take the responsibility of going into matters which might greatly involve the Province.⁴⁶⁰ It was absolutely necessary to defer the consideration of the matter⁴⁶¹. He thought therefore that it was proper that those gentlemen who now composed the Administration should be exempted from the charges brought against them of neglect in bringing forward those measures--of neglect which arose solely from their total inability to carry on these in the wretched state in which the finances of the country were placed (cheers.) He should oppose the amendment.⁴⁶²

MR. RICHARDS was much obliged to the hon. member for St. Maurice for addressing the House in English, as it enabled him (Mr. R.) to form a correct

opinion of what he had said. Entertaining, as he did, a high respect for the constitutional learning and political knowledge of the hon. gentleman, he must confess that he thought that upon this occasion the hon. gentleman had not done justice to those who would ere long take their seats on the Ministerial benches, and whom he professed to desire to support (hear, hear.) He thought that after the emphatic manner in which the House had declared its confidence in the gentlemen called to seats in the Executive Council of this Province, they ought at least to trust them sufficiently, to give them such confidence as would enable them to carry on the Government of the country (hear, hear.) It seemed to him exceedingly hard for hon. gentlemen who had never been in a situation to assume the responsibility of Government, to get up and say, that in their opinion such and such things might be done. It was very well for hon. gentlemen to point out that this course ought to be pursued, or that course, but let an hon. gentleman once take upon himself the responsibility which the hon. gentleman opposite had done, and then they would see that there were circumstances in which it was necessary that the Government should have the confidence of the House, and that it was necessary for their friends to endeavour to accord them that confidence.⁴⁶³

Cheers from both sides⁴⁶⁴.

MR. RICHARDS ((continued:)) For one he (Mr. Richards) was perfectly willing to give those gentlemen his "confidence", because he believed that,⁴⁶⁵ they were activated by patriotic motives, and⁴⁶⁶ individually or collectively, they were desirous of advancing the interests of Canada (cheers.) Such being the case, he believed that the great majority of the people were willing that they should take upon themselves the Government of the country, and prepare such measures as they might think desirable for the welfare of the country (cheers).⁴⁶⁷ They had to take the responsibility of proroguing the House,⁴⁶⁸ and when they at the next session of the Legislature to expose to the country what measures they thought necessary, then gentlemen on all sides of the House might put such questions, and demand such explanations as they desired; and if they thought that these explanations were not satisfactory, and that these gentlemen ought not to have the confidence of the country, they could then turn them out of office⁴⁶⁹. If it was shown that they had wasted their time, he for one would vote against them,⁴⁷⁰ but till he had given them a trial⁴⁷¹ he was willing to support them.⁴⁷² He would not oppose them (loud cheers)--This friendly advice, coming from gentlemen who had not assumed the responsibility of office, might be very well meant; but he thought that it ought to be withheld (cheers.) An hon. gentleman had said that he could not see why the Government should come and demand such an extraordinarily large sum as this (hear, hear.) He (Mr. R.) thought that if hon. members would look to the statement made by the finances of the country, they would find that this large demand was made in consequence of debts becoming due which the public faith required should at once be settled (hear, hear.) Hon. gentlemen could not be expected to take possession of the public departments of a vast country like this, and immediately, by a species of legerdemain, become aware of everything that was in them.⁴⁷³ The Ministry ... required time, which must be afforded to them, to allow them to become acquainted with the state of the departments, and to allow them⁴⁷⁴ an opportunity of consulting together: and then they could come down with measures complete in their character, and that it would not be necessary to amend, year after year, to

make them perfect (cheers.)⁴⁷⁵ They required nothing more in Canada than perfect legislation.⁴⁷⁶ Another hon. gentleman had remarked on the larger number of the Executive Councillors. The arguments advanced from this side of the House had been extremely satisfactory to him (Mr. R.)⁴⁷⁷ Lord Grey, in a despatch to the Governor of Nova Scotia, stated that, he thought, four or five were enough to form an Executive Council for the Government of that country; but the Governor thought it was advisable to have nine ... if Nova Scotia requires nine, surely twelve or even thirteen, were not too many for Canada. If these gentlemen think the Ministry have done wrong, allow the House to be prorogued, and, when the Ministers come down next Session, then attack them, when they will be able to answer for themselves.⁴⁷⁸ He believed that when these gentlemen were in their places, they would be ready to satisfy the House and the country, and be prepared to stand the complaints of their friends and the attacks of their enemies; for his own part, if he thought they were wrong he would vote against them--if he thought they were wrong he would not support them, but at least he would be willing to trust them for a time (hear, hear.)⁴⁷⁹ He could not see the propriety of members talking against the Ministry and voting with them. He was a young member of the House, and it was, perhaps, because it was so he trusted them.⁴⁸⁰ He asked for them what was required by every one in business--that the person who employed him should put confidence in him until he proved himself to be unworthy of it. He asked hon. gentlemen to give the Ministry their confidence till they proved themselves to be unworthy of it (cheers.)⁴⁸¹ When they lost confidence in them, then let them turn them out.⁴⁸²

M. CAUCHON.--M. l'Orateur, à cette heure avancée de la nuit, je ne me serais pas levé si je ne sentais que j'ai un devoir à remplir. Je ne parlerai pas longtemps. Quelqu'un a dit qu'il prétendait conserver dans cette chambre son libre arbitre et l'indépendance de ses opinions, moi aussi je veux être indépendant et je dirai des vérités que je crois utiles.

On a dit d'abord qu'il n'y avait pas d'exemple en Angleterre qu'on ait demandé des subsides lorsque l'exécutif n'était pas dans la chambre pour répondre et pour porter la responsabilité d'un pareil vote. Je demanderai à ceux qui ont de pareilles prétensions si l'histoire d'Angleterre depuis la révolution de 1688 fournit un seul fait comparable à notre situation, et si jamais un ministère a été directement défait à la suite d'un appel au peuple, et si un vote de la chambre y a constitué un ministère nouveau spontanément et au commencement d'une session. Mais il y a quelque chose de plus pour nous que les précédents, du parlement impérial, il y a nos propres précédents, il y a notre histoire parlementaire. En 1843, après la résignation du ministère LaFontaine-Baldwin, il n'y avait plus qu'un seul ministre dans la chambre, M. Daly, et M. Daly était malade, de sorte que ce fut M. John Neilson, qui maintenant n'est plus, qui proposa le vote des subsides. Personne alors de ceux qui siégeaient à gauche n'osa affirmer qu'il était inconstitutionnel de voter des subsides quand il n'y avait pas de ministres dans la chambre. D'ailleurs est-ce qu'à une prochaine session nous n'aurons pas moyen d'atteindre ceux que nous venons de placer dans les conseils du Souverain?

Maintenant je dois dire sans hésitation ce que je pense de la conduite de l'honorable membre pour le comté de Saint-Maurice. Je dis que son opposition systématique au ministère qu'il nous a aidé à créer, lorsqu'il affirme

qu'il a confiance dans les hommes qui le composent et qu'il est disposé à laisser essayer le système actuel sous de pareilles conditions; qu'une pareille opposition, que de pareilles exigences, ne sont ni loyales ni généreuses, surtout lorsque les bouches éloquentes qui pourraient lui répondre ne peuvent pas se faire entendre dans cette enceinte. J'ai beaucoup admiré ses brûlantes harangues, mais je ne les admire plus parce qu'elles ne conduisent à rien. Je ne puis flétrir la politique du passé, parce que les hommes qui l'ont faite étaient consciencieux, mais j'ai droit de la considérer comme une leçon d'expérience et de la condamner parce qu'elle s'est suicidée à force d'être excessive. A quoi nous ont servi les 50 années de luttes de l'ancien régime, si ce n'est à produire l'état de choses actuel et les iniquités de l'Union? Il y a des hommes puissants à détruire, mais qui n'ont jamais rien élevé sur les ruines qu'ils ont faites. Avant que de consentir à détruire, je veux connaître ce qui doit remplacer nos éléments actuels de société politique. Voilà pas moins de cinq longs discours pour dire qu'il faut un élargissement de la représentation, une réforme électorale, le libre échange et la liberté de la navigation, et mille autres réformes également importantes; qu'est-il donc besoin de remonter à la création et au déluge et d'exhumer toutes les iniquités du genre humain, pour en venir à voter les subsides dont le pays a besoin et que vous demande sur sa responsabilité un ministère dans lequel vous venez de placer si largement votre confiance?

Je sais que ceux qui, dans tous les temps, ont crié aux abus et à l'injustice, ont été populaires momentanément au moins. Mais il y a quelque chose de plus pour le législateur que de crier aux injustices du passé, il y a les besoins de l'avenir, la surveillance et la sauve-garde des destinées sociales et politiques qui nous sont confiées. Nous avons quelque chose de plus à faire que de parler pour les galeries; je maintiens moi qu'au lieu de crier contre ce qui n'est plus, nous devons nous efforcer de sauver l'avenir contre son gré même s'il est nécessaire. Que veut l'honorable membre pour le comté de St. Maurice, que veut-il des hommes qu'il vient de placer au pouvoir? Il veut de suite des réformes qui demandent le travail de plusieurs hommes et de plusieurs années. Je le lui demande à lui-même, que ferait-il à l'égard de toutes ces réformes s'il se trouvait tout à coup à la place du ministère actuel. Serait-il prêt de suite avec autant de mesures d'une pareille portée? Je dis à l'honorable membre pour le comté de St. Maurice, que nous, hommes du Bas-Canada, ne pouvons consentir à nous diviser pour aucune considération au monde, la division pour nous est un suicide, et une funeste et récente expérience devait lui faire comprendre que ses exigences injustes et ses oraisons n'auront pas d'écho dans la population qui a le sentiment, l'instinct de sa conservation propre. D'ailleurs il n'a pas l'initiative de toutes les réformes qu'il suggère. La chambre a exprimée (sic) l'année dernière par sa résolution unanime son désir d'obtenir la liberté du commerce comme beaucoup d'autres réformes.⁴⁸³

MR. CHRISTIE withdrew his motion.⁴⁸⁴

(67)

*The House accordingly resolved itself into the said Committee.
Mr. Webster took the chair of the Committee;*

Two resolutions--the first granting £125,000 to defray expenditure on

public works, and the second granting £140,000 to defray expenses of Government for 1848, were passed without any discussion⁴⁸⁵.

It ... ((was)) understood that ... ((discussion)) should take place when the question of concurrence was put to the resolutions to-morrow.⁴⁸⁶

(67)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Webster reported that the Committee had come to several Resolutions.

Ordered, That the Report be received to-morrow.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Richards,
Stormont Election. Ordered, That the Petitioners in the matter of the
Controverted Election for the County of Stormont,
 have leave to add the following names to the List
 of Witnesses handed in, in their behalf, at the striking of the Committee,
 viz.:--

Hugh Richardson, Esquire, of Montreal.

The Honorable John Hillyard Cameron, Member for Cornwall.

On motion of Mr. Notman, seconded by Mr. Watts,
Oxford Writ. Ordered, That Mr. Speaker do issue his Warrant to the
 Clerk of the Crown in Chancery, to make out a new
 Writ for the Election of one Member to serve in the present Provincial Parliament for the County of Oxford, in the room and place of the Honorable Francis Hincks, Esquire, who, since the last general Election, hath accepted the Office of Her Majesty's Inspector General of Public Accounts for this Province.

On motion of Mr. Macdonald of Glengarry, seconded by Mr. Richards,
Prescott Election. Ordered, That the Petition of William Kenneth M'Kenzie,
 of L'Orignal, in the County of Prescott, Esquire,
 complaining of the undue Election and Return of Thomas Hall Johnson, Esquire,
 as a Member to represent the County of Prescott in this present Parliament,
 be taken into consideration by this House, on Friday, the twenty-fourth day of
 March instant, at the hour of four o'clock, P.M.; and that notice to that
 effect, in writing, be forthwith given by Mr. Speaker to the Petitioner,
 his counsel, or agent, and to the sitting Member, according to the provisions
 of the second clause of an Act passed by the Parliament of Upper Canada,
 during the fourth year of the Reign of His late Majesty George the Fourth,
 chapter four.

Orders of the Day. Mr. Laurin moved, seconded by Mr. M'Connell, and
 the Question being put, That the remaining Orders of
 the day be postponed until to-morrow.

The House divided; and it passed in the Negative.

On motion of Mr. Drummond, seconded by Sir Allan N. MacNab,
Three Rivers Writ. Ordered, That Mr. Speaker do issue his Warrant to the
 Clerk of the Crown in Chancery, to make out a new

Writ for the Election of one Member to serve in this present Provincial Parliament for the Town of Three Rivers,--the Returning Officer for the said Town not having returned any Member to serve in the said Parliament for the said Town.

Expiring Laws'
Bill.

The Order of the day for the House in Committee on the Bill to continue for a limited time certain Acts therein mentioned, being read;

The House accordingly resolved itself into the said Committee.

*Mr. Richards took the Chair of the Committee;*⁴⁸⁷

MR. DEWITT consented to withdraw his opposition to the extension of the Bankrupt Act, on the understanding that the Government intended to give their earliest attention to the subject.⁴⁸⁸

MR. J. SCOTT (Bytown), and MR. MCCONNELL, ((made a few remarks)) against the law, and ... ((declared)) that they only voted for the Bill, because the ministry had given them most positive assurance that it would be amended next session.⁴⁸⁹

(67)

and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Richards reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, *That the Report be now received.*

Mr. Richards reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, *That the Bill, with the amendments, be engrossed.*

Orders deferred. Ordered, *That the remaining Orders of the day be postponed until to-morrow.*

*Then, on motion of the Honorable Mr. Boulton, seconded by Mr. Notman,
The House adjourned.*

APPENDIX: 20 MARCH 1848.

((QUESTION AND ANSWER RE: DATE OF PROROGATION.))⁴⁹⁰

MR. H. SHERWOOD (Toronto) inquired of the incarnation of the Government whether he could give any more definite information as regarded the time at which it was intended to prorogue Parliament? Hon. members were apprehensive of some difficulty in reaching their homes on account of the weather, and some had already left, anticipating a speedy termination of the session. (Hear, hear.)⁴⁹¹

MR. DRUMMOND replied that it would depend a great deal on the length of the speeches made on the other side of the House. (Hear, hear.) He had already stated to the House that Parliament would be prorogued as soon as the supplies could be granted and the expiring laws extended. Of course it was not within the limits of human knowledge to foresee to what length debates might be protracted in this House, (hear, hear,) especially when they saw hon. members getting up with motions, and when they were perfectly satisfied that the object of the motion would be granted, continuing to address the House for hours. (Loud cries of "Hear, hear.") The length of the session would entirely depend on the length of the speeches made by gentlemen on all sides of the House, but they might rely upon it, that Parliament would be prorogued as soon as the supplies had been voted and the expiring laws extended. (Cheers.)⁴⁹²

MR. H. SHERWOOD asked the hon. member to name a definite day for the prorogation, as then hon. members might be induced to be brief in their speeches.⁴⁹³

MR. DRUMMOND replied, that the House should be prorogued on Thursday, provided these measures passed.⁴⁹⁴

((WITHDRAWN MOTION FOR ADDRESS RE: PENSIONS FOR FORMER EXECUTIVE COUNCILLORS.))⁴⁹⁵

COL. GUGY⁴⁹⁶, seconded by MR. HOLMES, moved for an address to His Excellency the Governor General for any despatches and correspondence respecting any claim of any member of the late Administration for a pension. The gallant Colonel then proceeded to address the House. He said, that notwithstanding the threat of the hon. gentleman opposite, that the House should be punished for the long speeches of individual members, he thought he must take the parliamentary liberty of offering for the consideration of the House the remarks which appeared to him to be german (sic) to the subject. (Hear, hear.) The House could dispense with any speeches, long or short, from the gentleman, who, for want of a better, represented the Government, and with any reasoning or arguments from him, for he had but to raise up his little finger for a majority ready to give him right on every occasion.⁴⁹⁷

Hear, hear, from the Opposition.⁴⁹⁸

COL. GUGY.--It was not so with him (Col. G.): he had the misfortune to stand alone in the House--(ironical cheers):--he stood there as one who expected nothing--who desired nothing--who feared nothing--from either side

of the House--(ironical cries of "Hear, hear;")--and if he happened to have reason on his side, he was not to be silenced--enquiry was not to be stifled, even though it should interfere with purpose of the hon. member for the county of Shefford, whether sitting as member for the county of Shefford, or as the representative of a whole Administration. He would make his observations, too, with the permission of the hon. member for Montmorency, who never failed to favour him with those little marks of attention which were so flattering to a public speaker. (Laughter.) He had to call the attention of the House to what appeared to him to be a matter of the last importance: it was, whether individuals, in the discharge of high and important functions, were entitled, on leaving office, to receive remuneration in the shape of a pension? (Hear, hear.) He brought this question under the notice of the House in consequence of a public rumour adverting more particularly to the hon. member for the county of Megantic, (hear, hear,) who was stated, for his long, extensive, and valuable services, to have a great claim on the gratitude of the country. (Ironical cheers.)--There were a great number of public officers who had held office in this country who had been dismissed under very trying circumstances, under circumstances which had formed the theme of public conversation, and exposed not them alone and their families to great subsequent distress, but brought into question the Royal faith. (Hear, hear.)⁴⁹⁹ ((He)) gave a history of divers dismissed public officials who had no pension, but who were entitled to equal consideration with Mr. Dominic Daly, against whom he brought a charge of allowing a letter to remain unanswered which he (Col. Gagy) had addressed to him on the subject of vexatious and illegal proceedings taken against three of his servants in the district of Three Rivers. He adverted to the case of Alex Ray and others, of the Indian Stream; glanced at that of Mr. Rice; and then proceeded to condemn the appointment of Mr. Turcotte; and considered that no member of an Administration, acting as the late one had done, could, under any circumstances, deserve a pension of the country: at any rate, if a claim was made in that House--if that were to be the rule, let it be a general rule, and then he (Col. Gagy), having as good a right to a pension as any other deposed public servant, should most assuredly assert it.⁵⁰⁰ (Ironical cheers.) He then entered at length into the details of the circumstances attending his dismissal from the Adjutant Generalship, and declared that if any one got a pension he ought to have one too.⁵⁰¹

This declaration caused considerable merriment from all parts of the House.⁵⁰²

COL. GUGY ((continued:)) He had brought this subject before the House for the purpose of eliciting thought and public opinion.⁵⁰³ He descanted at great length on the service which he had rendered to the country, and drew the conclusion from these services not having been duly appreciated, that in the Government of this Colony "native born talent" was to give way to "imported mediocrity."⁵⁰⁴ The hon. member concluded by moving an humble address to his Excellency for a copy of despatches and correspondence relating to the claims for a pension of any Member of the Administration.⁵⁰⁵

MR. DRUMMOND.--Perhaps the hon. member for Sherbrooke would be so kind as to withdraw his motion when he assured him that there was in the

possession of the Government no such document--that no such claim had been made⁵⁰⁶ by any Member of the late Administration⁵⁰⁷.

Hear, hear, from MR. DALY.⁵⁰⁸

MR. DRUMMOND ((continued:)) There were no despatches and no such correspondence had been alluded to⁵⁰⁹. (Loud cries of hear, hear.)⁵¹⁰ He therefore, under these peculiar circumstances, requested the hon. Member would withdraw his motion.⁵¹¹

COL. GUGY was satisfied and withdrew the motion.⁵¹²

FOOTNOTES: 20 MARCH 1848.

1. GLOBE, 29 March 1848.
2. IBID.
3. IBID.
4. The debate on this matter was reported by: PILOT, 23 March 1848; and GLOBE, 29 March 1848.
5. GLOBE, 29 March 1848.
6. PILOT, 23 March 1848.
7. GLOBE, 29 March 1848.
8. IBID., which added that Sherwood "administered 'a few' to Mr. Furniss in his most approved style of modest assurance."
9. PILOT, 23 March 1848.
10. GLOBE, 29 March 1848.
11. The PILOT, 23 March 1848, reported that the Bill passed "by a large majority", and GLOBE, 29 March 1848, noted that "only 4 or 5" members opposed Morrison's motion.
12. The debate on the motion to grant the supply was reported in the following: PILOT, 23, 25 March 1848, and BATHURST COURIER, 7 April 1848, in accounts identical except that the COURIER's was abbreviated and contained fewer speeches; HAMILTON SPECTATOR, 1 April 1848, BRITISH COLONIST, 14 April 1848, and LE JOURNAL DE QUEBEC, 14 April 1848, in accounts identical except that the COLONIST's was abbreviated, and the SPECTATOR and the JOURNAL each contained some speeches not found in the other; MONTREAL GAZETTE, 22 March 1848; LA MINERVE, 23 March 1848, LE JOURNAL DE QUEBEC, 28, 30 March 1848, and L'AUREOLE, 28 March 1848, in accounts identical except that LA MINERVE omitted certain speeches entirely, and the version in L'AUREOLE and LE JOURNAL DE QUEBEC was similar to MONTREAL GAZETTE and HAMILTON SPECTATOR, except in the reports of the speeches of French-speaking members, which were original; and L'AVENIR, 22 March 1848, which summarized the debate. A commentary may be found in MONTREAL TRANSCRIPT, 23 March 1848. The GLOBE, 29 March 1848, described the debate as "stormy".
13. PILOT, 23 March 1848.
14. MONTREAL GAZETTE, 22 March 1848.
15. PILOT, 23 March 1848.
16. MONTREAL GAZETTE, 22 March 1848.
17. PILOT, 23 March 1848.
18. IBID.
19. IBID.
20. MONTREAL GAZETTE, 22 March 1848.
21. HAMILTON SPECTATOR, 1 April 1848.
22. PILOT, 23 March 1848.
23. MONTREAL GAZETTE, 22 March 1848.
24. PILOT, 23 March 1848.
25. IBID.
26. IBID.
27. HAMILTON SPECTATOR, 1 April 1848.
28. PILOT, 23 March 1848.
29. HAMILTON SPECTATOR, 1 April 1848.
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31. HAMILTON SPECTATOR, 1 April 1848.
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42. PILOT, 23 March 1848.
43. IBID.
44. MONTREAL GAZETTE, 22 March 1848.
45. HAMILTON SPECTATOR, 1 April 1848.
46. PILOT, 23 March 1848.
47. IBID.
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49. HAMILTON SPECTATOR, 1 April 1848.
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53. MONTREAL GAZETTE, 22 March 1848.
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55. HAMILTON SPECTATOR, 1 April 1848.
56. PILOT, 23 March 1848.
57. MONTREAL GAZETTE, 22 March 1848. The PILOT, 23 March 1848, gave the
figures as "£40,000 or £50,000".
58. PILOT, 23 March 1848.
59. HAMILTON SPECTATOR, 1 April 1848.
60. PILOT, 23 March 1848.
61. MONTREAL GAZETTE, 22 March 1848.
62. PILOT, 23 March 1848.
63. IBID.
64. IBID.
65. HAMILTON SPECTATOR, 1 April 1848.
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127. PILOT, 23 March 1848.
128. IBID.
129. MONTREAL GAZETTE, 22 March 1848.

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412. PILOT, 25 March 1848.
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414. PILOT, 25 March 1848.
415. HAMILTON SPECTATOR, 1 April 1848.
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423. HAMILTON SPECTATOR, 1 April 1848.
424. PILOT, 25 March 1848.
425. HAMILTON SPECTATOR, 1 April 1848.
426. MONTREAL GAZETTE, 22 March 1848.
427. HAMILTON SPECTATOR, 1 April 1848.
428. MONTREAL GAZETTE, 22 March 1848.
429. HAMILTON SPECTATOR, 1 April 1848.

430. MONTREAL GAZETTE, 22 March 1848.
431. HAMILTON SPECTATOR, 1 April 1848.
432. MONTREAL GAZETTE, 22 March 1848.
433. HAMILTON SPECTATOR, 1 April 1848.
434. PILOT, 25 March 1848.
435. HAMILTON SPECTATOR, 1 April 1848.
436. IBID. PILOT, 25 March 1848, noted that Badgley spoke "so low as to be quite inaudible in the gallery."
437. PILOT, 25 March 1848.
438. HAMILTON SPECTATOR, 1 April 1848.
439. IBID.
440. PILOT, 25 March 1848.
441. HAMILTON SPECTATOR, 1 April 1848.
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461. HAMILTON SPECTATOR, 1 April 1848.
462. PILOT, 25 March 1848.
463. IBID.
464. IBID.
465. IBID.
466. HAMILTON SPECTATOR, 1 April 1848.
467. PILOT, 25 March 1848.
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479. PILOT, 25 March 1848.

480. HAMILTON SPECTATOR, 1 April 1848.
481. PILOT, 25 March 1848.
482. HAMILTON SPECTATOR, 1 April 1848.
483. LE JOURNAL DE QUEBEC, 4 April 1848.
484. HAMILTON SPECTATOR, 1 April 1848.
485. IBID.
486. IBID.
487. The debate on this matter was reported by: HAMILTON SPECTATOR, 1 April 1848; and PILOT, 25 March 1848.
488. PILOT, 25 March 1848.
489. HAMILTON SPECTATOR, 1 April 1848.
490. The debate on this matter was reported by: PILOT, 23 March 1848, and PACKET, 31 March 1848, in identical accounts; MONTREAL GAZETTE, 22 March 1848, LA MINERVE, 23 March 1848, LE JOURNAL DE QUEBEC, 28 March 1848, and L'AVENIR, 28 March 1848, in identical accounts; MORNING CHRONICLE, 22 March 1848, BRITISH WHIG, 22 March 1848, GLOBE, 22 March 1848, BRITISH COLONIST, 24 March 1848, and PRINCE EDWARD GAZETTE, 7 April 1848, in identical accounts; MONTREAL TRANSCRIPT, 21 March 1848; and LE JOURNAL DE QUEBEC, 23 March 1848. Commentaries may be found in L'AVENIR, 24 March 1848, and MONTREAL TRANSCRIPT, 23 March 1848.
491. PILOT, 23 March 1848.
492. IBID.
493. IBID.
494. IBID.
495. The debate on this matter was reported by: MONTREAL GAZETTE, 22 March 1848, LA MINERVE, 23 March 1848, LE JOURNAL DE QUEBEC, 28 March 1848, and L'AVENIR, 28 March 1848, in identical accounts; PILOT, 23 March 1848, and PACKET, 31 March 1848, in identical accounts; and GLOBE, 29 March 1848. LE JOURNAL DE QUEBEC, 23 March 1848, noted the debate.
496. Gagy's speech provoked ironical commentaries from both LE JOURNAL DE QUEBEC, 23 March 1848, and the GLOBE, 29 March 1848. LE JOURNAL DE QUEBEC made the following observations: "M. Gagy a régalé hier la chambre d'un discours interminable qui n'a pas de sens et qui ne pouvait avoir de but, si ce n'est celui de glorifier le parleur. Ce bavardage a duré plus d'une heure, et je suis convaincu que les trois quarts de cette heure ont été employés à la louange et à la glorification de M. Gagy lui-même, en sa qualité d'adjutant-général de milice." The GLOBE described the speech this way: "In introducing his motion, the honorable gentleman went at great length into his views of things in general and as to his own claims to a pension in particular. For two mortal hours did the gallant Colonel consume the evening oil, asking for what had no existence. It however afforded him an opportunity of exhibiting his charming person, and delighting a large gallery audience with the magnificence of his eloquence--'Ah! Mr. Speaker, ah!' Really if Col. Gagy goes on increasing the number and length of his orations at the rate he has heretofore done, he will presently leave no room for any one but himself. Could not a second chamber be opened downstairs for the demonstrations of hon. gentlemen who speak for their constituents and general admission, and not to convince their fellow representatives? It would be a wonderful saving. For one part if they will only hold their endless tongues we will print as much as they like to write, or make speeches for

them if they have a difficulty in that way. It is fair however to say that these delinquents are not numerous--it is the long speeches of the few, not the continual speaking of the many, we complain of. Col. Gagy does remind me so much of a peacock fanning his feathers, when he rises to speak! The way he expands his feathers and looks about for admiration and exclaims 'Mr. Speaker ur a-a-a!' is delicious."

- 497. PILOT, 23 March 1848.
- 498. IBID.
- 499. IBID.
- 500. MONTREAL GAZETTE, 22 March 1848.
- 501. PILOT, 23 March 1848.
- 502. IBID.
- 503. MONTREAL GAZETTE, 22 March 1848.
- 504. PILOT, 23 March 1848.
- 505. MONTREAL GAZETTE, 22 March 1848.
- 506. PILOT, 23 March 1848.
- 507. MONTREAL GAZETTE, 22 March 1848.
- 508. PILOT, 23 March 1848.
- 509. MONTREAL GAZETTE, 22 March 1848.
- 510. PILOT, 23 March 1848.
- 511. MONTREAL GAZETTE, 22 March 1848.
- 512. PILOT, 23 March 1848.

TUESDAY, 21 MARCH 1848.

(67)

Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Robinson,--The Petition of William C. Hume and others, of the Township of Orillia; and the Petition of Frederick Dallas and others, of the Townships of Orillia and Medonte.

By Mr. Thompson,--The Petition of John Jarron, Chairman, and D'Arcy Boulton, Secretary, of a meeting of inhabitants of Dunnville, and others, of the County of Haldimand.

(68)

By Mr. Drummond,--The Petition of Francis Duclos and others, of the City and District of Montreal.

By Sir Allan N. MacNab,--The Petition of Edmund Deedes, of the District of Brock, Esquire.

Petition read.

Ordered, That the Petition of Edmund Deedes, of the District of Brock, Esquire, be now read; and that the Rules of this House be suspended as regards the same.

And the Petition was read; setting forth:--That the Petitioner in approaching the House on a matter apparently of a private and personal interest, is impelled by a sense of justice towards the Returning Officer for the County of Oxford, John George Vansittart, Esquire: That the Petitioner desires not on the present occasion to express an opinion on the legality of Mr. Vansittart's procedure in returning Mr. Carroll: That the Petitioner feeling in duty bound to make known to the House a circumstance, in his opinion, clearly proving the honorable motives which actuated Mr. Vansittart in the discharge of his duty, begs, upon his solemn word of honor, to state that in a conversation a short time previous to the day of return, Mr. Vansittart declared to the Petitioner that "he felt himself placed in an exceedingly critical position, for that if he did as he honestly believed the law required, he should be doing that which would be injurious to the Conservative cause, and of all things most likely to destroy the chance of any Conservative who might be induced to come forward at another Election, and at the same time hazardous to his own personal interests; but that if he did otherwise, he must feel that he was shirking his duty to accommodate himself to circumstances;" and praying to be excused for troubling the House with this statement of an important fact.

Expiring Laws'
Bill.

An engrossed Bill to continue for a limited time certain Acts therein mentioned, was read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes."

Ordered, That Mr. Holmes do carry the Bill to the Legislative Council, and desire their concurrence.

Stormont
Election.

Mr. Jobin, Chairman of the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the County of Stormont, reported, That the Committee met this morning at eleven o'clock, but were unable to proceed to business in consequence of the absence of Mr. Drummond, one of their numbers.

Ordered, That Mr. Drummond do attend in his place, in this House, to-morrow.

Markham and
Elgin Mills'
Road Bill.

Mr. Morrison, from the Select Committee to which was referred the Petition of Ashton Fletcher and others, of the Township of Markham and its vicinity, with power to report by Bill or otherwise, presented to the House a Bill to incorporate the Markham and Elgin Mills Plank Road Company, which was received and read for the first time; and ordered to be read a second time, to-morrow.

Report on
Petition re-
lating to
Niagara
District Town.

Mr. Cauchon, from the Select Committee to which was referred the Petition of the Municipal Council of the District of Niagara (relating to the District Town) and another reference, with power to report from time to time, presented to the House the Report of the said Committee; which was again read at the Clerk's table, as followeth:--

Your Committee, in obedience to the Order of your Honorable House, have examined the contents of the Petition referred to them, as also the Entries in the Journals of previous Sessions upon this subject, and have unanimously agreed to adopt the recommendations of previous Committees, and again most earnestly to recommend to the favorable consideration of your Honorable House, the passage of a Bill removing the site of the present District Town to a more central position, in accordance with the prayer of the Petition, emanating as it does, from a body representing the interests of every section of the District.

On motion of Mr. Wetenhall, seconded by Mr. Morrison,

Waterloo
Election.

Ordered, That the Petition of Adam Johnston Fergusson and others, Electors of the County of Waterloo, complaining of the undue Election and Return of James Webster, Esquire, to represent the said County in this present Parliament, be taken into consideration by this House, on Friday, the twenty-fourth day of March instant, at the hour of five o'clock, P.M.; and that notice to that effect, in writing, be forthwith given by Mr. Speaker to the Petitioners, their counsel, or agent, and to the sitting Member, according to the provisions of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the Reign of His late Majesty George the Fourth, chapter four.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:--

Butter Inspection Bill.

Bill, intituled, "An Act to provide for the Inspection of Butter in Quebec and Montreal:"

St. Paul's Church Glebe Bill.

Bill, intituled, "An Act to authorize the Rector and Church Wardens of St. Paul's Church, London, to sell a part of the Glebe on certain conditions:"

King's Bench Judgments' Bill (L.C.)

Bill, intituled, "An Act to render executory certain Judgments rendered by the late Courts of King's Bench for Lower Canada:"

Kingston Gas Light Company Bill.

Bill, intituled, "An Act to incorporate "The City of Kingston Gas Light Company:"

River Moira Mill Dams' Bill.

Bill, intituled, "An Act to repeal the Act therein mentioned, and to make better provision for the construction of Aprons to Dams upon the River Moira:"

Consumers' Gas Company of Toronto Bill.

Bill, intituled, "An Act to incorporate "The Consumers Gas Company of Toronto:"

Western Telegraph Company Bill.

Bill, intituled, "An Act to incorporate "The Western Telegraph Company:"

Dundas Incorporation Bill.

Bill, intituled, "An Act to amend the Act to incorporate the Town of Dundas:"

Shipping of Seamen Bill.

Bill, intituled, "An Act to amend the Act for regulating the shipping of Seamen, and to fund the fees payable under the said Act:"

Jurors' Bill, (L.C.)

Bill, intituled, "An Act to remove doubts as to the time from which the provisions of the Act regulating the summoning of Jurors in Lower Canada,

were intended to have force and effect:"

Quebec Institut Canadien Bill.

Bill, intituled, "An Act to incorporate the "Institut Canadien de Quebec:"

Toronto Athenaeum Bill.

Bill, intituled, "An Act to incorporate the Toronto Athenaeum:"

Flour and Meal Bill.

Bill, intituled, "An Act to continue and amend the Act for the inspection of Flour and Meal, and to provide for the inspection of Oatmeal."

And then he withdrew.

(69)

Supply.

Mr. Webster, from the Committee of Supply, reported several Resolutions; which were read, as

follow:--

1. *Resolved, That a sum, not exceeding One hundred and twenty-five thousand pounds currency, be granted to Her Majesty, to meet the exigencies of the Public Service connected with the Public Works, and to sustain the credit of this Province in that branch of the Public Service, for the year one thousand eight hundred and forty eight; to be accounted for in detail, at the opening of the ensuing Session of the Legislature.*
2. *Resolved, That a sum, not exceeding One hundred and forty thousand pounds currency, be granted to Her Majesty, to meet the necessary and indispensable Expenses of the Government of this Province, for the year one thousand eight hundred and forty eight, not otherwise provided for; to be accounted for in detail, at the opening of the ensuing Session of the Legislature.¹*

MR. DRUMMOND rose and moved that the Report of the Committee of Supply² granting £125,000 to meet the expenses connected with public works, and to sustain the credit of the Province in that respect for the year 1848, and also of £140,000 to meet the expenses of the Government for 1848³, be received. In moving the question of concurrence, he said, that it had been understood on the previous evening that the debate should, at the pleasure of hon. members, be continued.⁴ His remarks, he said, in proposing this resolution would be very succinct, as hon. members could not expect that in the position in which he stood he could enter as fully into the details of these matters, as the Hon. Inspector General would if he were present. However, hon. gentlemen were in possession for several days of the very clear statement made by the Inspector General himself which would much facilitate the explanation which he (Mr. D.) had to make. He would premise by observing that the Consolidated Revenue account might be compared to the profit and loss account of the merchant. The merchant in his profit and loss account might show that his business was in a good position, and yet he might have no money in his chest, he might have gone too far in making improvements in building warehouses, and other things of a like profit; his accounts might show a clear balance in his favour, and yet he might be unable to meet the demands that were daily coming upon him. He thought that it would be found on a close investigation of the accounts of the Province, that they were much in the position of the merchant who had drawn too largely on his available funds for the purpose of improving his property. It would be found on looking to the account that all the resources of the country during the past year, the whole revenue of the Province from whatever sources derived, and the balance at the close of the preceding year were all so expended. If they looked merely to the balance of this account, they would certainly be inclined to think that the aspect of affairs was flourishing, as there was a balance somewhat exceeding £100,000 of the credit of the Consolidated Revenue account: but on a minute examination of the account it would be found that this fund was liable for £15,000 charged on it under the authority of laws and orders of council for the service of the past and preceding years. It appeared therefore by the report of the Inspector General that the finances of the country were not

in the flourishing condition which the late Inspector General described them to be,⁵ during a previous debate,⁶ when he said that they left the new Ministry in the possession of an overflowing treasury. He did not mean to say that any deliberate attempt had been made to conceal the state of affairs, but perhaps a full explanation had not been given. (Hear, hear.) It would be found from the explanation now before them, that the Province was in advance of its income about £50,000⁷, thus leaving the country, on the 31st of January, largely in debt, instead of being in credit.⁸ Yet this fact was no cause for apprehension or anxiety. He wished it to be perfectly understood that the present Ministry did not consider that there would be any great reason for apprehension on account of this charge on the Consolidated Fund, because it would be remarked that many charges for public works had been placed upon that Fund which ought not to have been charged upon it, and that fund once delivered from liability for public works would, if the revenue of the next year equals that of the preceding years, more than suffice to pay current expenses. The embarrassment, if any there might be, would arise from our inability to raise a sum sufficient to meet the works which had been contracted for.⁹ Too many public works had been undertaken, which must be temporarily suspended; and he trusted the embarrassed state of the public funds would be a sufficient answer for their suspension. It was not necessary that an abandonment of the projects should ensue, but great circumspection would be necessary.¹⁰--The late Administration had entered into contracts for the completion of public works to the extent of about £270,000, £170,000 of which they were authorized to raise by debentures, and the present Ministry now asked to raise £125,000 in the same way to meet the remainder. (Hear.) It was, of course, utterly impossible at the present moment to say anything as to the practicability of raising the loan or suspending the works. If the loan were effected, and they abstained for a time from engaging in any public works, all might come out right in a short time; but it was a matter of pure speculation whether the loan could be effected or not. It was a fact, however, which must be stated to the country, that the Consolidated Fund had charges upon it of £270,000, £170,000 of which the late Administration were allowed to raise as a loan by debentures; and the present Administration now came out to ask for permission to raise £125,000 more.¹¹ The hon. gentleman then entered into a statement of the various sums expended during the period that the late Administration was in power, and among other items, spoke of the sum of £20,000 which had been expended during the past year without the authority of Parliament. On Emigration the sum of £150,000 had been expended; of this the Imperial Government had paid about £5,000; £20,000 had been collected by the tax on emigrants, and £20,000 had been voted in the supplies during the last Session. This last item of £20,000 might, or might not, be paid by the Imperial Government. About £80,000 was yet due, including outstanding debts which the parties are clamorous for.¹² The present embarrassment was not so much caused by the public works, because there was a balance of £36,000 unexpended on the 31st of January last, out of the loan, but was owing to causes which he (Mr. D.) would explain. On the 31st of January last the Consolidated Fund raised by the loan for public works not expended of £36,000, also the balance of special funds amounting to about £55,000, making, with various other sums,

about £224,000, which would appear at first sight to be available means.--But it was owing to the fact of this sum being locked up in various ways that the Province was now in a state of embarrassment. First of all there was a very large amount--about £125,000--locked up in bonds, due for Timber and Construction duties, the greatest part of them consisting of Customs duties; then there was the amount advanced for the expenses of Emigration, for the payment of which we may look to the Imperial Government, but there was no certainty that it would be so paid. This sum amounted to £65,000 unavailable. The advances made by order of Council for public works amounted to £22,000, and on the 31st of January last, there was cash on hand about £8,000, which, with some other smaller sums, would make £224,000. The bonds for Custom Duties would become due in a short time, consisting of about £120,000. The amount due by the Imperial Government which, it was hoped, would be reimbursed to the Province, was about £65,000. The advance applicable to the public works and remaining unexpended on the 31st January, amounted to about £36,000; but this money had since been nearly consumed by the demands for the payment of the various contractors. With this short and imperfect statement, which would be made more clear by the figures given by the Inspector General in his statement, he should conclude by saying that although there was no reason for any great apprehension, yet we were far from being in the condition which the late hon. Inspector General represented. Instead of leaving an overflowing treasury, he had left £270,000 to be expended on public works, although a debt of £65,000 due to this Province was not paid, and upon the reimbursement of which we could not count with certainty, and the consolidated fund in advance about £50,000. He (Mr. Drummond) was not instructed: he would not take upon himself in making this statement to cast any opprobrium on the hon. gentlemen opposite: it was not his intention to do so; but hon. gentlemen on both sides of the House would see that it was absolutely necessary that the statement should be made (hear, hear,) in order that if any embarrassment should accrue to the Province from the position in which they now stood, the fault might not fall upon the present Ministry, but upon those who were really responsible for it. For his own part, he believed that too many works had been commenced. He could feel the embarrassing position in which the present Ministry were placed--taking office with an exhausted treasury,--and he trusted that the present statement of the financial affairs of the country would be a sufficient answer to all those who had asked how it came that immediately after the Ministry had come into power they had thought proper to prorogue Parliament (hear, hear.) He should be sorry for his own part to take it as a precedent as a general rule that when a Ministry came into office the affairs of the country should be immediately suspended (cheers.) He should be sorry to take it for granted that a prorogation must necessarily ensue upon the assumption of office by a party, till that moment in opposition. He believed that the present Ministry did not intend the course that they had adopted to be laid down as a general rule--a precedent. (Ironical cheers.) They called upon the country, and they called not only upon their friends on this side of the House, but upon the gentlemen on the other side, to take into consideration the position in which they assumed office--to take into consideration not only their position with regard to the financial affairs of the country, which it was their duty to investigate before they could assume the responsibility,

coming to conclusions upon measures of such vast importance as those which had been alluded to by the hon. member for St. Maurice--such as whether they would pledge the revenue of the country to the amount of several millions of money to assist in carrying railroads and canals through all parts of the Province. It was their duty to take time to consider of the financial state of the country--to consider whether in the first place, money should be raised in addition to the large amount already contracted for, and whether it would be in their power to raise the money on debentures or any other way. He was wrong perhaps in saying "in any other way," for the hon. gentlemen opposite had exhausted the various funds. They had not obtained a single loan in the ordinary way. The late Inspector General, when he went to England, did not obtain any loan for this Province in the ordinary manner, but merely obtained what the Province had a right to--viz., the sum of £140,000, which formed a part of the loan of a million and half, which had been already guaranteed by the Imperial Parliament. He had said that all the means of raising the wind had been exhausted. The Ministry could no longer raise money on debentures, on the Jesuit's Estates, School Lands or Clergy Reserves Funds. He asked hon. gentlemen therefore, if it would have been right in the Ministry who had recently accepted office, if it would have been justifiable in them to have assumed the responsibility of assenting to these immense improvements before having had any opportunity of ascertaining the position in which they stood, and what were their prospects for the future. He thought that these hon. gentlemen would have to be neglectful of the duty which they owed to the country had they attempted to take upon themselves matters of such vast importance without having first ascertained the character of the ground upon which they stood, whether it was firm ground or ground moving in the throes of an earthquake. (Cheers.) Several hon. gentlemen in the debate last had touched upon this matter, which tickled the popular ear, they talked of improvements without caring whether there was money in the treasury to meet the improvement urged, and the men who would not grant the money--who would not vote for the money whether they had it or not--were stigmatized as enemies to improvement. (Hear, hear.) It was necessary then to say a word upon this point. The hon. member for St. Maurice was in error in saying that before they knew any thing about the future, they ought to have take (sic) upon themselves to say that it was necessary, advisable, or just, at the present moment, to vote a grant for any work of any kind whatever, if the hon. member meant to say that they should express some opinion as to their being friendly to these works, he could only say that it was totally unnecessary, every man in the country knew that every individual member of that Cabinet had expressed himself favourable to most of these improvements, and it only remained to be seen whether they, as Ministers, could command the means of carrying out these views which they had so much at heart. (Hear, hear.) He repeated then that it was not right that any hon. member should call on them at the present moment to come down to the House and pronounce a decided opinion on matters of such importance.¹³ It was apt to create a bad feeling in the public mind; but until some means were found of raising the necessary money, it was not right they should enter into any business whatever. The hon. member then entered into a statement of matters relative to the Caughnawaga Canal, but which so abounded with figures that it was impossible to attempt to convey them to paper with certainty, from the rapid utterance of the

speaker.¹⁴ The hon. member for St. Maurice was mistaken in saying that under the system of Responsible Government Legislation rested exclusively with the Administration. It was not so, he (Mr. Drummond) appealed to honourable members accustomed to a seat in that House, whether when the Ministers were in the House it was not customary for them to leave many important measures to be taken up by private members. (Hear, hear.) It was customary, and he was sure that the present Ministry had no desire to depart from the usages and precedents of the British House of Commons, which ought to be our exemplar and model on such matters.¹⁵

Ironical cheers from the Opposition.¹⁶

MR. DRUMMOND ((continued:)) No such pretension had been originated by any Provincial Ministry, as to assume the excessive right to legislation; but he maintained that it was necessary for good legislation that there should be some surveillance over the bills introduced by members of this House to prevent the introduction of imperfect and improper measures. He thought that it was due to those large and important constituencies of Montreal, Terrebonne, Oxford, Kent and others, that they should not proceed with measures of such great importance as those alluded to by the honourable member for St. Maurice while these constituencies remained unrepresented on the floor of this House. True the honourable and learned gentleman who intended to offer himself for Montreal might be elected within a fortnight, but he would ask hon. members who knew the distance and the difficulty of communicating between the County of Kent and the City of Montreal, how long it would take the hon. gentleman who intended to offer himself for the suffrages of the people of that County to return to that House? It would take him six weeks.¹⁷

SIR A. MACNAB.--No, no.¹⁸

MR. DRUMMOND ((continued:)) And the hon. gentleman who was a candidate for the County of Oxford was in the same position; but let it take eight weeks, or only four, in what position would they be placed in the meantime?-- Were they to adjourn for that time and put hon. members to the inconvenience of going home for so short a period? For these debates were idle, when a gentleman proposed a motion for a certain object, and was told that that object should be granted, and then continued to speak for the mere purpose of making a speech. He thought that under these circumstances it should not be set down as a precedent, as held to be the opinion of the Ministry, that whenever one Ministry was overthrown and supplanted by another, the business of the country should be suspended: he thought that, under the present circumstances of the country, it was absolutely necessary for the Ministers to prorogue Parliament; they had thought proper to do so; but he believed their intention was to meet the wishes of the country as much as possible and cause Parliament to be convened at the earliest period which could be fixed consistently with the convenience of honourable members. Before closing he would say a word on a subject which had excited much interest both in and out of that House, he meant the Bankrupt Law. It had been proposed by some members that the law now in existence should be allowed to drop, and that nothing should be substituted for it. He (Mr. D.) was one of those who did not consider a Bankrupt Law necessary, even in a commercial community, except on occasions of great commercial embarrassment; then it

was the duty of the Legislature to interfere and protect the honest debtor, when his hopes had been blighted by circumstances over which he had no controul; then it was the duty of the Legislature to interfere, and pass a temporary Bankrupt Law; but he believed that a permanent Bankrupt Law had a tendency to corrupt the morals of the community.¹⁹ It was calculated in his opinion to induce a laxity of principle with regard to commercial transactions.²⁰ England was an exception to the general rule, because in England the merchant and trader were in a different position from that which they occupied in this country. In England no man embarked in commercial enterprize without capital: a man there entering into large commercial undertakings without capital was an exception to the general rule. In this country the reverse was the case, and therefore the Bankrupt Law, which operated well in England, was not wanted in Canada. He was therefore opposed to this law and several members of the Ministry had expressed the same opinion, both on the floor of this House and out of doors. But what would have been the responsibility of allowing that law to drop without providing any means of detaining the important interests now in the hands of Bankrupt Commissioners and Circuit Judges of the Province? Had they done so, hundreds²¹ of poor families²² would have been ruined; they could not do so. (Hear, hear.)--But he would beg to assure the House, and through them the country, that this would be one of the first measures taken up by the Ministers; and that when they met Parliament they could be prepared to bring in such a law as would be satisfactory, he believed to the whole community. He concluded by moving the adoption of the resolutions.²³

MR. CAYLEY²⁴ thought that the hon. member for Shefford had not given such explanations in reference to the question before the Committee as the house had a right to expect, and as were due in simple justice to the members of the late Administration. The hon. member had laid upon the table, and referred to the Committee, a memorandum from the Inspector-General, Mr. Hincks, showing that a considerable sum was required for past and existing engagements, beyond what the revenue of the Province could cover, and asking for the sanction of Parliament to raise further supplies by Debentures. No one could read that statement, unexplained, without being impressed with the idea that the late Government had stretched their powers to a very great length, if, indeed, they had not exceeded them, and that the demand now made was solely to repair the mischief which had been created by their irregular proceedings. Had the question been one of little moment, he (Mr. Cayley) would not have risen to discuss it, as it was extremely unsatisfactory to witness the proceedings of the house in the way in which they had lately been conducted, when the hon. member, who was the mouth-piece of the Administration, was compelled to run behind the Speaker's chair, every other minute, to receive instructions as to what he was to say or leave unsaid, and as to what business the show-man who pulled the wires behind the screen would permit the house to proceed with. The matter, however, contained in the memorandum was of too serious a character to be passed over without notice, and as neither he (Mr. Cayley) nor his colleagues were disposed to shrink from the responsibility which attached to their acts while in the Government, or silently submit to the censure which justly was due to the others, he would move that the memorandum of the

Inspector-General be read by the Clerk at the table. The statement which had just been read purported to show that, although there was a surplus from the revenue of the past year, of £100,000, there were demands against it of £150,000, which when paid, would leave the consolidated fund in advance of £15,000 and that it was to meet this expected deficiency, and the excess of expenditure which it was apprehended would occur on account of the Public Works, as shown in another part of the memorandum, that the present demand was made. The first item comprising this sum of £150,000 was, for Public Works, £35,000, the unexpended balances of the Parliament grants for the years 1845-6-7, which needed no explanation. The next was £22,283 5s. 9d., expended under orders in Council, without the authority of Parliament; no one could read the expression without feeling that a reflection was intended to be conveyed by it, and yet, every one was aware that demands would occasionally arise in the interval between Session and Session, which the interests of public service would not permit to stand over to the next meeting of the Legislature, and that there was an especial column in the annual printed accounts headed "indispensible expenses for which provision is required," under which such services were ranged. Now, what was the first item of these orders in Council, why, the sum of £9475 4s. 0d., for the Administration of Justice in Lower Canada, which in consequence of the new Civil List Bill coming into operation in the middle of the recess, was defrayed by order in Council, as it could no longer be charged in the former way. What was the next item, of importance?--Printing Statues (sic) &c., £5213 18s.; there was no question that the country required that the laws should be printed, and the slightest unnecessary delay was a public grievance. He would however, read the statement:--

| | | | |
|--|------|----|----|
| Balance due Dr. William Ross, Superintendent of Lunatic Asylum, Toronto. | 543 | 1 | 8 |
| Rent of the Parliament Buildings for the six months to 1st November 1847. | 750 | 0 | 0 |
| Balance due Messrs. Reid & Larned, Contractors, Chat- ham and Amherst- burgh Road. | 1922 | 15 | 1 |
| Messrs. Desbarats & Derbishire.-- Am't paid them for printing Laws and other printing &c. | 5213 | 18 | 1 |
| Repairs to the Temis- couta Road, | 515 | 10 | 9 |
| Aid to Montreal General Hospital, | 400 | 0 | 0 |
| Various other items, | 1106 | 9 | 10 |

Total Currency,

$$\begin{array}{r} 12635 \quad 3 \quad 2 \\ \hline \pounds 22195 \quad 9 \quad 10 \end{array}$$

Inspector General's Office,
Montreal, 18th March, 1848.

These were all charges which it was reasonable to suppose that the Legislature would sanction, and for the payment of which it would be extremely unjust to make the parties who had performed the service wait until the Parliament should assemble.--The next item to which he (Mr. Cayley) would call the attention of the house, was the Commissariat demand of £22,000, composed of three charges as shown by a memorandum which the Inspector General had furnished him; first, for draw-back duties on Commissariat supplies, £8,500, for the years 1844, 1845, 1846, 1847; the second, a balance of £4,500 advanced by the Imperial Government to Lower Canada in 1837; and the third, of £10,000 for Indian Annuities. The great anxiety which the new Administration had shown to recognize the debt due to the Home Government could not fail to astonish hon. members, when they were reminded that the Indian Annuities began to accrue from the time of the Union of the Provinces at the rate of £6,655 a year; and that no payment had been made on account of this liability, up to the time when the late Administration took office in 1844, that in 1845 they made a payment of £19,947 10s., and had since paid annually the sum of £6,655, and that this sum of £10,080 properly belonged to the years 1842 and 1843, and should have been paid at that time. Again, with regard to the balance on the advances made in 1837; why had no effort been made to reduce the amount claimed by the Home Government, when the Administration was in power in 1843? The debt existed equally then as now, but a much larger amount, and the circumstances connected with it must have been at least as strongly impressed upon their minds, and the propriety of paying it. Was it that their sense of perception had grown more keen? and that they were now more justly able to appreciate their obligation to pay their debts? or did they hope by jumbling it up in a general statement of liabilities transferred over by the last Government, to convert it into a charge of mal-administration? When the Administration to which he (Mr. Cayley) belonged took office, the claim, if he was not mistaken amounted to £19,396 17s. 4d. Of this sum £8,813 10s. 8d. was in 1844 set off against the Imperial allowance for Emigration for the years 1843 and 1844--and two sums of £3,041 13s. 4d. each in the years 1845 and 1846,--reducing the claim to what it now stood in the statement, and which would have been paid for last year; had it not been for the extraordinary Emigration of last year. He now came to the item of £50,000 for school monies, and would read a statement giving the particulars of which it was composed:--

STATEMENT shewing the Grants and Payments thereon for Common Schools in Lower Canada, for the years from 1842 to 1847, exclusive:--

| YEARS. | AMOUNT OF PAYMENTS. | AMOUNT OF GRANTS. |
|--------|------------------------|----------------------|
| 1842 | £ 8811 6 9 | £ 30000 0 0 |
| 1843 | 17299 14 2 | 30000 0 0 |
| 1844 | 25409 9 9 | 29000 0 0 |
| 1845 | 12486 4 9 | 29000 0 0 |
| 1846 | 30791 1 0 | 29000 0 0 |
| 1847 | 31878 19 4 | 29000 0 0 |
| Total | £126646 15 9 | £176000 0 0 |

£126646 15 9

Deduced Payments

Leaving unexpended

£ 49353 4 3

Inspector General's Office,
Montreal, 18th March, 1848.

This statement shewed that the unexpended balances for the years 1842 to 1847, inclusive, amounted to about £50,000, which it was proposed now to raise by debentures, with the view of its expenditure during the present year, in addition to the ordinary supply of £29,000. The claim for this amount, at this peculiar moment, mixed up with orders in Council, without authority of Parliament, wore very much the appearance as if it was intended to charge the omission, to make provision for the School Act of 1843, when the present Administration were in power, against the late Government, for which, of course, the late Government were very much obliged. The remaining point to be noticed, was the emigration vote of £20,000 in reference to which the Inspector General had stated in his memorandum, it was to be feared the Province would have to pay. Why the Inspector-General should take so different a view of the matter to that contended for by Mr. Aylwin, now Solicitor-General for Eastern Canada, while debating the subject in July, 1847, when he asserted that unless the Provincial Government would guarantee that Great Britain would repay the whole advance, he would oppose the expenditure of a single shilling in aid of the emigrants, it was not for him, (Mr. Cayley) to say; but one thing was clear, that better reasons could be assigned now, when the proceedings of the Irish Landlords were fully known to the public, why Canada should not bear the burden, than when the subject was discussed in 1847. While on this subject he would notice the allusion made in the Inspector-General's Report to the large amount locked up in Emigration expenses, was this to be charged against the late Administration as an act of misgovernment? it might be well enough for the member for Montreal, in his heartless remarks of last night, about the misappropriation of funds, to wrap himself up in his stoicism, following in the steps of the Scottish judge, though reversing the order, who played at chess on the one night with his neighbor, and tried him for treason on the next. But were there two hearts in that Hall that would have refused the hand of succor to a helpless Emigration equal in numbers to half the population of a sister Colony; it was not a time for hesitation, it was not a question of discriminative charity between the honest and the dissolute, the industrious and the idle, all distinctions merged in one fearful equality of claim, the right to be succoured, man crying to his fellow man--help or we perish. In examining then this part of the Inspector-General's memorandum, he (Mr. C.) could not take the view adopted by Mr. Hincks, that the sum of £150,000 would be required for the five services named in the provision for the first two items--Public Works £35,000, Indispensable Expenses £22,283--he was prepared to concur, and that Great Britain was properly entitled to the sum of £22,000 claimed by the Commissariat; and at the same time he wished to congratulate the Administration upon the more correct view they had taken upon this subject, than when in office in 1843--but he was not prepared to concur in the opinion that Great Britain would refuse to bear the Emigration expenses; on the contrary, he thought that the Home Government would cheerfully consent to set off the demands made by the Commissariat against an equal amount advanced by the Province for the purposes of Emigration--this would effect a reduction in the estimates of £20,090. Again, in the matter of the arrears of School

money for Lower Canada of £50,000, he did not see upon what basis of calculation, judging by the amount called for by the Superintendent of Education, Dr. Meilleur, for the last several years, it could be assumed that a larger sum than £5,000 or £10,000 would be required for the service of 1848 in addition to the regular allowance of £29,000. Governed by this opinion, he (Mr. Cayley) would strike off £40,000 from the estimate of £50,000, arrears of School Monies for Lower Canada for this year, which added to the £20,000. Emigration money, to be reimbursed by the Commissariat, would leave funds in hand to the amount of £10,000 or £20,000 in lieu of an advance by the consolidated fund of £50,000. The passage in the memorandum, to which he would now turn, referred to the Public Works. It was stated that in addition to the sum of £172,000 for which authority had been granted,--contracts to the amount of £100,000 had been entered into beyond the appropriations, and for which no ways and means had been provided. The plain inference to be drawn from this statement, was, that the Board of Works and the Government had undertaken important works without the authority of Parliament. Now, what was the true statement of the case.--The Board of Works had been called upon to furnish a statement of what would be required to finish all the works on hand, and that the statement shewed that £100,000 would be required, beyond the appropriations made, to finish them. Did this statement or estimate imply that fresh engagements had been entered into without authority, or by the authority of the late Government alone? How stood the case with reference to the Welland Canal? In the spring of 1846 he (Mr. Cayley) called for an estimate of what would be required to complete it, which was furnished by Mr. Killaly in March, 1846, which was submitted to the House, and the amount, about £183,000 voted; in the same year, when other officers had been appointed to the Board of Works, he again called for an estimate of what would be required to finish it, and as part of this sum, £50,000 was voted last session, the balance now stood on the estimates, absorbing nearly three-fourths of the excess of £100,000. Was this chargeable against the late Administration?--did they commence the work?--did they enter into the contracts which had committed the country?--did they change the summit level of the canal, which had brought such an additional expense with it? He (Mr. Cayley) would read an extract of a minute of the Board of Works:--"Welland Canal minute of the Board of Works, dated 11th of August, 1843. The Board again took up the subject of the levels, by which it was considered most desirable that the letting out of the remainder of the works should be granted; after a very mature consideration of all the circumstances, the Board was more and more impressed with the propriety of at once adopting the waters of Lake Erie as the summit level of the canal. Again--pending the final decision of the Council, the Board ordered that the contractors for the several sections, not affected by this decision as to the level, should be immediately notified and called upon to enter into their contracts without loss of time." Again, under date of 11th of May, 1843, the Secretary, Mr. Begley, writes to the Engineer on the Canal Works:--"Sir, the view of the Board upon the dimensions by which the earthwork remaining to be done should be governed as well as upon the aqueduct and remainder of the masonry having been fully explained to you, they are determined that you should immediately

take steps to advertise all the works. They have also taken into serious consideration the representations made by Messrs. Brondson & Crooks, respecting the Locks, and they are desirous of having the chambers lengthened to 145 feet."--So then, it appeared that the excess upon this work, which, by two separate estimates, had been shewn to have been increased to £300,000, was the act of the very Administration now in power, without any reference to Parliament, and which, by the statement now before the house, it was intended to saddle upon the late Administration. Could any course be more pitiful,--more contemptible.--²⁵

Hear, hear, from MR. CAUCHON.²⁶

MR. CAYLEY ((continued:)) Yes, these facts should be heard, though, perhaps, reluctantly by the hon. gentlemen opposite, upon whom we could hope to make little impression. Their view of Responsible Government was that the majority could do no wrong, that they might squander the public money, violate the constitution, and calumniate the minority; they claimed Responsible Government as their bantling, to do with as they choose; a system of Government which none were supposed to understand, or to be able to work out, but themselves, and which they assumed the right to misuse, as the mob in London did their favorite Mr. Hunt, pelting and abusing him, claiming that he was the man of the people, and they had the right to do what they pleased with their own.

There were other items which he would enumerate, which helped to make up this excess of £100,000, and for which the late Administration could not, in any way, be considered responsible, namely, to finish the St. Lawrence Canals, £65451; the Ottawa, £3777, and an estimate for arbitration damages, £10,217. Before leaving this part of the subject, he would advert to the course pursued by the new Government, in again making the Board of Works a part of the Council, and as bearing on this, and shewing the probable consequence, he would read an extract from Mr. Killaly's evidence given before the Commission of Enquiry:--"Mr. Killaly states it to have been the practice at that period, and as long as the Chairman of the Board continued a member of the Council, for matters relating to the business of the Board of Works to be discussed in the Executive Council, and for verbal orders to issue from that body to the Chairman, to proceed with the public works therein decided upon, and when, at times, written instructions were written by him, Mr. Killaly states that compliance with his request was declined on the ground that with a member of the Executive Council, such a formality was unnecessary." Thus it would appear that the very first act of the new administration was to return to the very same state of things which had created all that confusion, and had led to the present heavy burden on the Province. The extract from Mr. Killaly's evidence brought to his (Mr. Cayley's) recollection the remarks which fell the previous evening from hon. gentlemen opposite, that they (the late Administration) had ill-used that gentleman in discontinuing his services in the Board; if that was their view, why had not the honorable gentlemen opposite restored him on their return to power? Did not their refusal to do so fully justify the course taken by the late Administration? To return to the subject: admitting that the excess over the appropriations amounted to £100,000, did it follow that the whole of the amount would be required during the present year, and if required, that it should be raised

by Debenture, the whole or in part? In one of the memorandums submitted by the Inspector-General it was shown that the expenditure for the Public Service for the past year, was £158,000, including several services and votes not of annual recurrence, which, if struck off, would place the usual annual expenditure in round figures at about £400,000; while the net revenues exceed half a million; at the same time that the revenue from Public Works was stated at £42,557, far below the actual returns, which approached nearly to £70,000; this difference was created by charging against the tolls extensive alterations and re-constructions, for instance, on the Welland Canal to an amount exceeding £10,000, as though it formed a part of the annual wear and tear to be classed with the expense of management and collection. By this calculation, then, it would appear that the surplus revenue of the year, with proper economy, would go far to meet, if not entirely to defray, the amount required beyond the appropriations for Public Works, now sanctioned by law. Such a course it appeared to him (Mr. C.) most desirable, as it prevented the necessity of throwing additional Debentures into the market at a time when such securities were not in demand. Nor could he understand the reasoning of the Inspector-General, who, in the very paragraph in which he stated that Debentures could not be realized at par, and that there were on hand £172,000 for sale, proposed a further issue of £125,000; as if the value of the article was to be raised by flooding the market with it. In this it would appear that he was prepared to adopt a diametrically opposite course to the one pursued by the late Administration, who made no attempt to force a sale of Debentures at a sacrifice, though at times severely pressed by demands from the Board of Works and Emigration expenditures. The Inspector-General had stated in his memorandum, that the Emigration expenses and the outstanding Bonds had occasioned serious embarrassment to the Government--this, undoubtedly, was true as regarded the past, but the continuance or recurrence of the pressure was hardly to be expected. The burden of the Emigration was passed, all the Customs Bonds, amounting to nearly £90,000, would mature the first week in April, and the operation of the new Customs' Bill would prevent a recurrence of the evil. While on the subject of raising money and the value of Debentures, he (Mr. Cayley) could not avoid referring to the remark which fell from the Assistant-Commissioner of Works, Mr. M. Cameron, in debate last Session; namely, that if the duty had devolved upon him, he (Mr. Cameron) could raise money at 8 per cent. As this observation was made at a time when the Bank rate of interest in England was varying from 6 to 10 per cent, it was not to be regretted that a gentlemen so gifted had not been selected to fill a post where such capabilities could not fail to be highly appreciated. In reference to the vote of credit, he had no objections to offer. The services named were annually estimated for in the Public Accounts, but he regretted to see in this, and more particularly in the matter of the Debentures, unmistakable indications that it was not the intention of the Government to meet that House again this year. They had asked for a credit for the whole service of the year not provided for by permanent Acts and Ordinances, and they had applied for authority to raise money by Debenture to an amount beyond what could possibly be required for the expenditure within the year. From this it was conclusive, either that

they looked forward to a long interval before they expected again to meet the House, or that they had sent that statement down, and made that demand, with the view of throwing discredit on the late Administration. To bring so serious a charge by a deputy, with whom rested no responsibility, was too unmanly a course to permit the idea to be entertained for more than a moment. The conclusion, therefore, which he (Mr. Cayley) had arrived at was that the house would not be permitted to meet the Administration again for many months, and that the expectation which the public had fondly indulged in, of the many and comprehensive measures with which the country was immediately to be blessed, would resolve itself into one single act, then again merging the Board of Works, the source of all the mischief, in the Executive Council, and giving in that Council a preponderance of 7 to 4 in favor of Lower Canada.²⁷

MR. DRUMMOND said, the hon. member might have abstained from personal remarks upon the recent occasion, when the Ministry were absent. He (Mr. D.) would leave them to defend themselves; but it was necessary for the hon. member to endeavour to get up a good deal of indignation, and, by assailing the Ministry of 1843, to make the country lose sight of the true state of the case. He would like to know, if other expressions could have been in the statement of the Inspector-General, so as to convey the true sense of what he intended to convey to the house. The hon. Inspector General did not mean to offend the late Administration--he disclaimed that such was his intention--and the hon. gentleman opposite had not impugned the truth of the correctness of any of the statements made; but he had, by cloaking his speech in generalities, created something like a feeling upon his own side of the house, which he (Mr. D.) did not think would meet with any response from the majority of the members of the house, or from the country. If there would be any feeling excited, it would be one of indignation, that the late Ministry should have come down to the house to ask for large sums of money for new works, without giving full statements of the true condition of the public finances. But the hon. members opposite objected to the granting of the supplies, because it was not stated that the whole of the sum asked was immediately required. Did the late Inspector General do so, when he was in power?--Did he not wait a whole year, after he had obtained the money, before he showed that it had been required? He (Mr. D.) maintained that they were not bound to do so upon the present occasion; but he equally maintained that it was the duty of the Government to show the real state of the finances of the country. Let them suppose that the expenditure of 1848 exceeded the appropriations; was that any reason why the late Ministry should have entered into any new works, when they found such to be the case? It was their duty to have pointed out the danger of entering into any further contracts, until they had provided for the previous undertakings; but he believed that the present Ministry were prepared to justify the advice given in 1843, with regard to the Welland Canal, by Mr. Killaly. They were unjust in inferring that, because that gentleman had not been brought into the new administration, they thought he had done wrong. Why was it that none of the charges brought against that gentleman could be substantiated; and how was it that the first Engineer in the country could not obtain justice from the

members opposite, when the report into his conduct left him blameless?-- The late Inspector General was one of the Commissioners to investigate the charges against Mr. Killaly; but he had thought fit to withdraw from the investigation--at least his name did not appear to the report made by the Commissioners.²⁸

MR. CAYLEY.--The main one is signed by me. But not the supplementary report.²⁹

MR. DRUMMOND ((continued:)) Then it must have been the latter report which he (Mr. D.) had looked at, but he knew that it did not appear to (sic) one of the reports. He (Mr. Drummond) maintained that the report justified Mr. Killaly's conduct, and how was it that they did not employ him? He was prepared to say, that the new Ministry were prepared to employ Mr. Killaly, who was admitted to be the first engineer in the country--that gentleman was put in a difficult situation, when he was called upon by Lord Sydenham to make the estimates for the whole of the vast works which were then contemplated; and that, without being allowed sufficient time to do so. He then remonstrated with the Government that he had not time, nor was his knowledge of the localities of those works, sufficient to enable him to make proper estimates, he declared they were not such as could be relied upon. Mr. Killaly could not, therefore, be blamed, if his calculations did not turn out to be correct. There was no engineer in the country equal to Mr. Killaly, in professional standing, and he (Mr. Drummond) was certain that there could not be a more honest man. He trusted that the present Ministry would do Mr. Killaly justice, and procure for the country the benefit of his talents. He (Mr. D.) said, that the accusations about the Welland Canal did not come with a good grace from the members opposite, and the present Ministry would be prepared when they came to that house to defend the advice they had given. Were the members opposite aware that the works were going on in 1844 and did they not tell the house, the country was overflowing with wealth when they asked for grants for this improvement in the County of Ottawa,--which parts of the country were alone alluded to,--he said that they were to blame, because that they did not warn the country of the difficulties it would be plunged into, by carrying out the undertakings then contracted for. He did not say that they were to be blamed for the debts in existence when they entered office, but they were to be blamed for the condition in which the country was found when they left office. In reply to the assertion of the member for Huron, that a more contemptible attack was never made upon any retiring Ministry, than that which had been made by the Inspector General, in his report; he scarcely thought it was worthwhile to notice it; but he would say, that a clearer statement was never laid before the house than that report contained. And he put it to the house, whether it was not such a fair and candid statement which the member for Huron should have laid before the country long ago. He regretted that that member had assailed the present Ministry, as he had not intended to enter into any particulars on the present occasion, but he now felt it his duty to do so from the course he had pursued. In attacking the Ministry, the hon. gentleman had also attacked Responsible Government, and now they had had an opportunity of ascertaining the fact, that the gentlemen opposite, although they

assumed to carry on the Government under that name, were enemies to Responsible Government--that was the most flashing part of the hon. gentleman's speech. Now the truth would come out--the truth generally came out in opposition and occasionally, even on the Government Benches.³⁰ It had not been his intention to make any attack on the late Inspector-General, but as Mr. Cayley had chosen to go into the subject, and impute motives to them, he should now be compelled to reveal the secrets of the office³¹. He would now produce another document, which would prove to the house the successful negotiation of the hon. member for Huron, when he went to England to obtain a loan, and which was merely, in fact, the balance of the loan obtained under Lord Sydenham.³² ((He should)) read a letter just received from the Cashier of the Bank of England, by which it appeared that Mr. Cayley had effected a loan of £140,000 with the Bank, at 4 per cent, for a period of nine months, and that that period had elapsed, and neither principal nor interest had been paid.³³

MR. DRUMMOND was about to read the document, when MR. CAYLEY rose and said, he wished to know if he was authorized to lay that paper before the house; and that, he trusted, that although the Ministry were not present, the hon. member would assume the responsibility of bringing down all the papers connected with the loan of £140,000 from the Bank of England.³⁴

MR. DRUMMOND had no hesitation in saying that he would be able to bring down all the papers which it was usual to lay before the house. The hon. member, then, proceeded to read the document in his hands, which was a communication lately received, from the Cashier of the Bank of England, addressed to the hon. Mr. Bruneau, as the late Receiver General; and which stated that £140,000 had been loaned upon Debentures to the Provincial Government at the rate of 4 per cent interest, for a period of nine months, and that that period had elapsed and that no remittance had been received, either on account of principal or interest, and that he was therefore directed to call the attention of the Provincial Government to the matter.³⁵

MR. CAYLEY said, that he must be allowed in answer to allude to other papers connected with the matter, how could they pretend to argue the question fairly without having the whole of the papers before them?³⁶

MR. DRUMMOND said, that the letter established the naked fact, that a loan of £140,000 had been obtained for nine months, and that that gentleman had not taken the trouble to pay even the interest upon that loan, although the principal was due--so that they might induce their creditors to give them further indulgence for the principal amount. But it did not matter to the hon. gentleman when he was about to withdraw from office, whether interest was paid or not, or whether they could get further credit or not.³⁷

MR. CAYLEY rose, and asked whether Mr. Drummond was prepared to bring down all the papers connected with that transaction.³⁸

MR. DRUMMOND stated he knew of no other papers, that the letter had just been placed in his hands and spoke for itself.³⁹

SIR A. MACNAB wished to know how that letter came into this house. Did it come in consequence of an Address to the Governor General?⁴⁰

MR. DRUMMOND.--It had been handed to him by the Inspector General, and the Government was responsible for its authenticity.⁴¹

SIR A. MACNAB.--And this house was responsible for its privileges. There were various modes of proceeding in that house, and some were inconsistent with propriety.⁴²

MR. CAYLEY said he could hardly give an opinion of the constitutionality of the course Mr. Drummond pursued, and whether he was not about to be equally irregular in following him; but he felt himself compelled, in consequence of what Mr. Drummond had read, to allude to papers in the Civil Secretary's office, and state all the circumstances connected with the transaction. In consequence of the informalities of the Debenture Bill, it was found the Debentures drawn in compliance with its views could not be made negotiable in the English market, and that he had, in consequence, made an arrangement with the Bank of England for a loan for nine months, at 4 per cent., until a new Bill could be introduced, and Debentures issued under the guarantee of the Imperial Government, with which to replace the loan. Within a week after his return to Canada, Debentures for the whole was (sic) transmitted to England, and in compliance with the desires of the Imperial Government, a Bill was brought in the Session of 1847; authorizing the Home Government to issue Debentures of the same character as those of the original loan of a million and a half, as a substitute for the Debentures which had been temporarily transmitted to England as securities, and to reimburse the Bank. Towards the close of the last year, when it was understood that the Imperial Government would place a sum in the Bank of England to the credit of the Province, he had furnished a memorandum to be transmitted Home, showing that there was an amount of interest due for about a twelve-month on this loan of £140,000, for which provision should be made; but the precise sum could not be stated, as the Provincial Government had received no particulars since the transmission of the last Debenture Bill; but assuming the amount would be somewhere about twelve months interest on the £140,000, in reply to which the Colonial Secretary informed the Government that a sum of £25,000 sterling had been placed to the credit of the Province, with the Bank of England, and which, it was assumed, would cover the amount of interest on £140,000. And if he (Mr. Cayley) was not mistaken, Mr. Drummond had alluded to this fact. Mr. Cayley again protested against the course which Mr. Drummond had pursued, and observed, if any proof were wanting of the animus in which the document lying on the table was framed by the Inspector-General, it was to be found in the production of the letter which he had so unaccompanied by a single document explaining the nature of the transaction to which it referred.⁴³

MR. CAMERON.--If the hon. member for Shefford as the organ of the Government had thought it right and proper to have produced in that

House a letter addressed to a member of the Government in his official capacity, he ought to have taken the proper course, and given notice of his intention to move an Address to his Excellency for that purpose. Then, if other papers were necessary for an explanation, some gentleman on his side of the house would be prepared with them; but who could be prepared for so important, so unconstitutional a course as that pursued by the organ of the Government, when he rises to read a letter, by which he makes a charge, when he had before expressly declared it was his intention not to do so. Hon. gentlemen on his side of the House had felt it would be unfair and unjust, in the absence of Ministers, to attempt to embarrass their proceedings; but how did those behave who came down with honied words upon their lips, which turned to gall as they were uttered. We, said the hon. gentleman have given fairness and we ask fairness. We are in a minority now, and if the hon. member feels that a majority can act toward (sic) ... as he pleases, does he expect that we are to sit silent and hear reflections cast upon us at his pleasure; when if the true explanation of the subject of those reflections were given they would be our triumph rather than our reproach. The hon. gentleman was continually rising in his place and blandly observing he wished it now to be understood he was the organ of the Administration, and now that he was the hon. member for Shefford, he (Mr. C.) wished to know in which of those characters he came to the House, and unconstitutionally produced a document which was intended to show the late Administration mismanaged the finance of the country without accompanying it by any other paper by which the transaction it referred to could be understood. Did he imagine the facts of the case might have been difficult to explain without the production of papers, and then the charge might have gone forth to the country unaccompanied by its refutation? But the explanation had been given, and it was their duty to give it, for on that, they must go to the country. He thought it disgraceful that charges should be brought against them when their opponents had the means of the contradiction in their own power. All they (the late Administration) required was to do as they would be done by, to act fairly, and to have fairness shown to them, and on their acts they were prepared to stand up fearlessly before the people and to be held responsible by them. There was an unjust and indefensible insinuation in the report of the Inspector General which he (Mr. C.) felt it right should be alluded to; he meant the remark on the appropriation in the Supply Bill of 1851, of £20,000 for Emigration and Quarantine, which, it is to be feared, the Province would be called upon to pay. By what right had the Inspector General assumed that the Province would be called upon to pay, when there was a perfect understanding with the Imperial Government? If they had, why was it not produced to fortify the assertion; and if they had not, by what authority was that assertion made?⁴⁴

MR. RICHARDS addressed the House.--He thought that a great deal of unnecessary warmth had been excited on this occasion. As far as he was capable of judging, it was the duty of the Inspector General to send down to the House a statement of the liabilities of the Province

unaccounted for by the Act of Parliament, and to make provisions for their payment. With regard to the peculiar language used, it did not strike him that there was any particular animous (sic) exhibited. The report of the Inspector General was nothing more than a strait (sic) forward document showing to the Governor General and through him to the House and the country, what is the actual state of the finances of the country, and what would be required for the demands which the Government would be called upon to pay. But when he (Mr. R.) had read that document and contrasted it with the speech of the late Inspector General now sitting on the other side of the House, he had certainly seen a remarkable difference between a treasury containing £100,000⁴⁵ and one owing £150,000. (Cheers.) With regard to the sums which the hon. gentleman had said were justly chargeable on the Ministry of 1843, it struck him, if he had read the Journals of the House correctly, that large appropriations had been made by the hon. gentlemen opposite when occupying these seats, for other public improvements not then contemplated, for whatever object made; some had been foolish enough to imagine that they were made to purchase Parliamentary support (loud cries of hear, hear,) instead of being applied to discharge the debts incurred before that time. When the gentlemen opposite, on coming into a responsible position, and examining into the state of the revenue of the country, found that anything but a judicious expenditure had been made, if they found that a former Government had gone beyond a proper expenditure, then they ought to have gone before the country and by stopping⁴⁶ all further improvements, until they were then certain of being able to provide for them⁴⁷ and showing to the country that they had managed the affairs well, and with economy, they might have proved that it was owing to the misconduct of his hon. friends now in office that the revenue was not in the state that it ought to be, and that the debts were too large; but instead of that they had gone on making improvements⁴⁸ when they must have known that they would bring the country into trouble,⁴⁹ and increasing the debts of the country, or rather they had omitted to pay the charges which were on the Consolidated Revenue.⁵⁰ He ((Mr. Richards)) would rather all improvements were stopped than they should get into debt.⁵¹ The hon. gentleman had alluded to the School Bill of Lower Canada, but did he mean to say that that sum was not charged by an Act upon the Consolidated Fund, how could the Inspector General make his statement to the House without informing the House that that debt had been laid upon the province? (Hear,hear.) The hon. gentleman had seemed to say that in the present Administration the influence of Upper Canada in the Cabinet was 4 to 7; that was perhaps like most of the figures of the hon. gentleman, but he (Mr. R.) was under impression that the gentlemen of the two sections of the Province would be about equal; he might however be mistaken. As to the course pursued by the hon. member for Shefford in reading that letter; he (Mr. R.) was a young member in Parliament, and could not pretend to discuss the point with the hon. gentlemen opposite, but it seemed to him that there was nothing improper in it. He had read the statement of the Inspector General, and in comparing it with the speech of the Chancellor of the Exchequer at the opening of the session, the contrast had struck him as rather singular and remarkable. The hon. member for Huron did not contend

that there was a single item on that list which the Government of the Province was not liable to pay, and this being the case, if it were admitted even that some of the expenditure would not take place for a year or two, the Government having come into power, and found that large works were entered into, that contracts had been signed, was it not right and just towards all parties that provision should at once be made for the payment of those contracts, of the sums engaged, and was it not the duty of the Government to come down to the House and ask for such credit as would enable them to meet the expenditure incurred? (Cheers.)⁵²

MR. DRUMMOND had seldom seen a gentleman more eloquent than the hon. member for Cornwall, a gentleman more gifted in becoming eloquent and waxing wrath. (Cheers.) The hon. and gallant knight objected to the manner of making the statement, and immediately up jumps the hon. member and makes a most eloquent harangue.⁵³

MR. CAMERON.--As it happens, it was I made the suggestion to the gallant knight.⁵⁴

MR. DRUMMOND ((continued)) The suggestion then came from the hon. member--if, therefore, the speech was not occasioned by the suggestion, the suggestion occasioned the speech. (Hear, hear.) From whatever cause it had come, they had seen one of the brilliant displays of eloquence which they heard from time to time from the hon. member. (Ironical cheers.) However he could make a great deal of eloquence of very trifling things; he had the gift in that respect of the poet, rather than the orator, for, in general, the orator becomes eloquent upon great things, but the poet can range from the greatest things to the most trifling imaginable. Now the great accusation, the cause of all this eloquence was, that he (Mr. D.) had read from a letter received in the Receiver General's office from the Chief Cashier of the Bank of England; he maintained that there was nothing unparliamentary in that course, he had a perfect right to refer to the letter or not--he had a perfect right to refer to any communication received by that Administration, or by any member of that Administration, or by any assistant in the offices--he had a right to refer to any document seen upon the public journals--he had a right to state any fact which he was prepared to avouch for on his honour as a gentleman,--and for the authenticity of this letter, he would pledge the honour of the Ministry and himself. It was not necessary that the document should come into his hands from the Clerk of the House--it was not necessary that it should have been sent down to the House by the Governor General, to enable him (Mr. D.) to read it. But the hon. member for Cornwall, taking up that fallacy, had endeavoured to create a great deal of indignation in the minds of certain gentlemen who felt most indignant at certain rules of the House being violated which were never known before. (Cheers.) He had a perfect right to read the letter, and he had done it not to cast infamy on the hon. gentleman opposite, but merely to show that that hon. gentleman, who had accused the present Ministers of having made an unfair statement, and had said that his own management of the finances of the country was perfectly right, had effected a loan for which he had made

no provision; for it was clear, that if this letter was to be believed, no provision had been made for the interest when the hon. member for Huron said that the interest was paid.⁵⁵ ((He)) denied having stated that he had said there was the sum of £6,000 to the credit of the province in the Bank of England: it was quite the contrary, the sum was due to the Bank⁵⁶. ((He)) thought it highly probable the Province might have to pay the £20,000 alluded to by the hon. member for Cornwall⁵⁷. He said that he was not aware of the Imperial Government, having pledged itself for the payment of the sum of £20,000 expended upon Emigration last year. They had talked as if the sum of £20,000 was all that had been spent for that purpose, while nearly £150,000 had been spent. The Imperial Government, he was certain, would be willing to pay a large portion of the expense, but he did not think it would pay it all--it had no right to pay the expenses incurred upon those who had been brought into the country for the country's good.⁵⁸

SIR A. MACNAB expressed a decided opinion that the manner in which the letter had been brought before the House was unusual and unparliamentary.⁵⁹

MR. H. BOULTON rose amidst vehement cries of "question." He wished to make a few observations. There was an item in the Inspector General's account of £22,288, which had been expended during the last year by an order in Council without the authority of Parliament. Now, it was his opinion that no Government in this country ought to be permitted, or have the authority to expend, any sum, large or small, without the consent of Parliament. When a sum of money had been set aside by Parliament to meet the contingencies of Government, they ought not to exceed that sum, unless some great public calamity should render it necessary for them to assume the responsibility. Now during the last year that state of things might have been such as to render it essential for the Government to take upon itself to relieve the suffering of their fellow-countrymen, but no attempt ought to be made in that House to lay down the doctrine that this or any other Ministry might at their discretion expend the public money, and come to Parliament afterwards to approve of it and indemnify them. He, for one, would raise his voice against it as long as he had a seat in Parliament.⁶⁰

(69)

The said Resolutions being read a second time, were agreed to.

On motion of Mr. Drummond, seconded by the Honorable Mr. Boulton,

*Ways and
Means.*

*Resolved, That this House do now resolve itself
into a Committee, to consider the Ways
and Means for raising the Supply granted*

to Her Majesty.

The House accordingly resolved itself into the said Committee.

Mr. Bouthillier took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Bouthillier reported that the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That towards raising the Supply granted to Her Majesty, the sum of One hundred and twenty-five thousand pounds currency, be raised by Debentures, for the service of the year one thousand eight hundred and forty-eight.
2. Resolved, That towards making good the Supply granted to Her Majesty, the sum of One hundred and forty thousand pounds currency, be granted out of the Consolidated Revenue Fund of this Province not otherwise appropriated.

The said Resolutions being read a second time, were agreed to.

Supply Bill.

Ordered, That Mr. Drummond have leave to bring in a Bill to grant a certain sum to Her

Majesty for defraying certain Expenses of the Civil Government, for the year one thousand eight hundred and forty-eight.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time; and that the Rules of this House be suspended as to the same.

The Bill was accordingly read a second time; and ordered to be engrossed.

Debentures Bill.

Ordered, That Mr. Drummond have leave to bring in a Bill for raising, on the credit of the Consolidated Revenue Fund, a

sum of money required for the Public Service.

He accordingly presented the Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time; and that the Rules of this House be suspended as to the same.

The Bill was accordingly read a second time; and ordered to be engrossed.

Oxford Election.

The Order of the Day for the attendance of John George Vansittart, Esquire, Returning Officer at the late Election for the County

of Oxford, at the bar of this House, being read;

And the House being informed that Mr. Vansittart attended at the door; he was called in.⁶¹

MR. NOTMAN rose and said that in calling the attention of the House to the case of the Returning Officer for the County of Oxford, he begged to remind the House of the resolutions to which it had already come in this case. (The resolutions amending, the return were read.) In order that the House and the Returning Officer might know the resolution he intended to propose, he would read it:--"Resolved, That John George Vansittart, Esquire, Returning Officer at the last election for the County of Oxford, having taken upon himself to return Peter Carroll, Esquire, as member for the said County to serve in this Parliament contrary to the majority of votes received by him on the poll-books in favour of the Hon. Francis Hincks, who ought to have been returned, acted illegally, in defiance of the law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges

of this House." He could not in any manner explain to the House what could possibly have induced the Returning Officer at the Bar to make the return which he had chosen to make. It appeared to him that under the election law, the duty of the Returning Officer was clear as the sun at noon day. When a gentleman took upon himself the responsibility of an office--an office conferred upon him not by force, for he accepted it voluntarily and of his own free will--he (Mr. N.) could not conceive how it was that any gentleman who desired to discharge that highly important and honourable duty, could for a moment forsake the course pointed out by law, and adopt proceedings and perform acts totally incomprehensible to the community at large. With regard to the duty of the Returning Officer, the law pointed out clearly that he should, on the nomination day, ask for a show of hands, he should declare that candidate who in his opinion had the majority returned, unless a poll was demanded by either of the other candidates. In case of a poll being demanded, his course was equally clear. In this case there were three candidates--Mr. Hincks, Mr. Carroll, and Mr. Campbell. Upon the show of hands, the Returning Officer himself declared Mr. Hincks to have the majority, and a poll was then demanded by the other gentlemen. At that poll the qualifications of all the candidates were given in. The Returning Officer upon that occasion accepted the qualification of the Hon. Mr. Hincks as complying with the law in all particulars, that as far as he was concerned he was satisfied that the law was complied with, and that Mr. Hincks was duly qualified and eligible to the suffrages of the electors. In pursuance with his orders, the poll-books now before the House were made out: certain columns were ruled, wherein the name of Mr. Hincks was inserted as a qualified candidate; the names of the other two candidates were also inserted. Deputy Returning Officers were duly appointed; these poll-books were transmitted to each of the Deputy Returning Officers in the Country; the day of voting was publicly proclaimed; the poll clerks were appointed, and severally sworn to perform the duties which the law imposed on them. The County at large knew perfectly well who the candidates were--who the gentlemen were who desired to represent them in Parliament; it was known beyond a doubt that these gentlemen were admitted by the Returning Officer to be according to law, candidates. The poll-books were sent to the different polling places; a day was fixed--an extraordinary day--Saturday, the 1st of January; and Monday, the 3rd, was the day on which it was to be closed. On the nomination day (Tuesday, December 28) all the Liberal party supported Mr. Hincks. On that occasion, from some intimation, a misgiving which they had, they were prepared, if any objection was offered to Mr. Hincks' qualification, to maintain their principles, and send to this House a man who belonged to their party; they were prepared on that occasion to put in nomination a candidate against whom no objection could be offered--a gentleman to whom none of these objections could apply--When they came to the nomination, however, they found that their rights were to be maintained; and that under the security of the constitution under which they lived, they had the right and were to have the pleasure of electing and returning to Parliament, triumphantly as they did, the man of their choice. They went forward to the polls--

their votes were permitted by the Returning Officer--they were everywhere recorded by his deputies in their books--and upon the return of these books a large majority was found in Mr. Hincks' favour. True, the opposing candidate, Mr. Carroll, exerted himself in representing to the electors of Oxford that Mr. Hincks was disqualified;--true, he published a placard cautioning people not to vote against him; but the placard was on his own responsibility--the Returning Officer had nothing whatever to do with it. The electors, however, recorded their votes in the faith that they were exercising that right which they would be secure in by the law; they went there determined to carry the man of their choice; they went there determined, cautious and resolute; they knew that on a former occasion they had been defrauded of representation by means the most corrupt and shameful that could disgrace a House of Assembly. (Loud cries of "Hear, hear.")--They were determined, therefore, to proceed cautiously and lawfully in the exercise of their right. On the 5th of January--the day appointed by the Returning Officer for making the declaration--it was whispered about, to the astonishment of every elector,--aye, to the astonishment of hundreds of those who voted against Mr. Hincks,--that the Returning Officer at the bar had taken upon himself, for reasons best known to himself, the audacious, extraordinary and unwarrantable course of returning the man with the minority of votes; and here, at the bar, he would ask that Returning Officer to account for his extraordinary conduct. He (Mr. N.) did not desire to condemn him. If he was able to show to the House that his conduct was just and right, he should be as ready as any hon. member in the House to acquiesce in the justice of it, and allow him to depart honourably from the bar. (Ironical cheers.) But the duty which they owed to the electors of Oxford--the duty which they owed to the people of Canada--the duty which they owed to themselves--demanded that this matter should be thoroughly investigated. (Cheers.) It might be alleged, and ... no doubt it would be by the gentlemen opposite, that the qualification tendered by Mr. Hincks was insufficient, and that being insufficient, he was not in a position to have votes recorded for him; and, therefore, that the proceeding of the Returning Officer was correct. Admitting, for the sake of argument, that the qualification was not worth a straw--supposing that it was invalid in every particular--yet he would not for one moment screen the Returning Officer, or hold him blameless for his extraordinary conduct. Whether the document were valueless or good, the Returning Officer took upon himself to decide that it was good: he induced the electors to believe that Mr. Hincks was a candidate legally and duly qualified to receive their suffrages, and upon that assurance the electors went forward and recorded their votes; they saw the whole machinery of election in full and fair operation, and it was unreasonable to suppose--was it an unfair conclusion for them to arrive at--that after all these proceedings had been taken, the Returning Officer had intended, notwithstanding the delusion and fraud that he was practising upon the electors, that the votes polled for the Hon. Francis Hincks should be thrown away. In the face of the law, which was clear as the sun at noonday, it was strange that this course should have been adopted by the Returning Officer--a gentleman, he believed, possessed of common sense, and of whom better might be expected. It was most extraordinary that after the poll-books had been returned to him, showing a large majority--upwards of 300 votes--in favour of Mr. Hincks, that he should

have declared all the votes polled for him illegal, and presumed to have returned the man in a minority of votes. On the face of his return, he stated to the House that the qualification of Mr. Hincks was invalid. On the 18th of January, he then addressed the House in a letter, in which he stated that having inquired into the law and studied the particular case, he had come to the conclusion that Mr. Hincks' qualification was invalid--that Mr. Hincks was absent on the occasion, and so he had come to the conclusion of rejecting the elected of the people and returning the man who was rejected. How were they to come to the conclusion that the conduct of the Returning Officer was fair and above suspicion? Sympathy had been created for Mr. Vansittart. His friends opposite would exert themselves for him; they would send petitions. A petition had been already presented giving him the highest character. This would doubtless, be brought forward in his defence. For his part, he should have been delighted that the House should have been spared the trouble and time that had been wasted in this case; that the country should be spared the expense, and the electors the mortification, the chagrin and the disgust which they had felt. He should be delighted if, instead of being advised dishonestly and under the impulse of party feeling, Mr. Vansittart had been advised to follow the course which the law required. (Hear, hear.) There was a petition presented in favour of that gentleman, look at the petition, a petition addressed to the Government and this House, couched in the language of complaint and reproach against an independent constituency who had presumed to exercise their rights as British freemen, and appeal to this House and the British Government for protection. (Loud cheers.) The petitioners told the House that they had read with considerable surprise the strong language made use of at a meeting of the District Council, and a large assembly of the inhabitants of East Oxford, in favour of seeking the constitutional protection of their rights, and punishment for the offender who would rob them of these rights. These persons were stigmatized in the petition as persons addressing the House in a language too gross to be repeated to this House, and what was that language? They charged the conduct of the Returning Officer with being atrocious, illegal, and unjust. (Cheers.) Could any man come to any other conclusion? Were 1,113 independent electors who recorded their suffrages for a man, to be treated with contempt and scorn, their votes scattered to the winds like the sand of the desert (cheers) and a man of a minority of 400 returned? He asked the House not to be influenced by petitions of this kind, or by what might be said by friends on the opposite side. (Ironical cheers.) He regretted exceedingly the situation of Mr. Vansittart on this occasion. This was the place for politics, but when they were met together to perform a solemn duty, under the sanctity of an oath, that duty ought to be faithfully discharged and all partisanship set aside, and the great and glorious privileges they enjoyed ought to be maintained and faithfully carried out. (Cheers.) The conduct of the Returning Officer on this occasion led him to no other conclusion than that he had been actuated by other motives than those which ought to govern a public officer. He had no other motives on this occasion than to give a fair trial, an

opportunity of fairly explaining to the House why he had acted in this extraordinary manner. He hoped that hon. members would come to the consideration of this case devoid of all party feeling, and that if the Returning Officer was wrong they would not hesitate one moment in awarding him the punishment he deserved, and protecting the rights and privileges of the electors of the County of Oxford.⁶²

(69)

Mr. Notman moved, seconded by the Honorable Mr. Boulton, That John George Vansittart, Esquire, the Returning Officer at the last Election for the County of Oxford, having taken upon himself to return Peter Carroll, Esquire, as Member for the said County to serve in this present Parliament, contrary to the majority of votes received by him on the Poll Book in favor of the Honorable Francis Hincks, who ought therefore to have been returned, acted illegally, in defiance of law, in manifest violation of the rights of the freeholders of the said County, and in breach of the privileges of this House.

SIR A. MACNAB thought the hon. member opposite should state the course he intended pursuing, provided the resolution now read was carried. He submitted to the house whether it was not the usual and proper course to know at the outset what the nature of all the resolutions were, which it was intended to propose.⁶³

COL. PRINCE said it would prevent a lengthened debate which might otherwise take place on each separate resolution.⁶⁴

MR. NOTMAN would give no information on the subject.⁶⁵

MR. H. BOULTON was surprised at the hon. and gallant knight. The other resolutions must of course depend very much on Mr. Vansittart's defense. If it was shown that he had only committed an error, it would only be necessary to admonish him, if however he was proved to have acted from corrupt motives he must be more severely punished.⁶⁶

COL. PRINCE said hon. members opposite had adopted the course which was now contended for on his side of the house, when they originally introduced the Oxford Election to the notice of the House. He considered the resolution now proposed was improper, and the course the prosecutors were pursuing, wrong.⁶⁷

MR. H. BOULTON said the resolution was proper and the course right, and was proceeding to relate the opinions entertained at the time, by the inhabitants of the counties adjoining Oxford, when he was interrupted by ((Col. Prince.))⁶⁸

COL. PRINCE ... asked if it was right to endeavour to prejudice the members of the House, by reporting what had been said in adjoining counties.⁶⁹

MR. MORIN decided that the question was in order. It would be for the House after examining into the case to decide what punishment they would inflict.⁷⁰

SIR A. MACNAB deprecated the course pursued by the hon. gentlemen opposite in pressing this resolution before giving the individual at

the Bar an opportunity to be heard by counsel.⁷¹ ((He)) had little doubt the indictment (for the resolution was an indictment) would be carried, if he were to judge by former proceedings in that house; but he protested against the injustice⁷². He moved as an amendment,--"That a copy of the resolutions of this House respecting the return of the Returning Officer for the County of Oxford be furnished to him, and that time be given to him till to-morrow, to prepare his answers and defence, and that he be informed that he has the permission of the House to be heard by counsel."⁷³

MR. J. S. MACDONALD (Glengarry) seconded the amendment, and urged that the resolutions, which were to follow, should be laid before the House, as was consistent with Parliamentary usage.⁷⁴ ((He)) thought it right that the Resolutions should be made known to the accused person, and that he should have every opportunity to defend himself by being made aware of the course intended to be pursued against him.⁷⁵

SIR A. MACNAB inserted the words "or that may be adopted by this House" into his amendment.⁷⁶

(69)

Sir Allan N. MacNab moved in amendment, seconded by the Honorable Mr. Macdonald, and the Question being put, That all the words after "That" in the said Motion, be struck out, and the following substituted: "a copy of any Resolution or Resolutions that may be adopted by this House, respecting the Returning Officer for the County of Oxford, be furnished to him; that time be given to him for twenty-four hours after the delivery of such Resolution or Resolutions to prepare his answer or defence thereto; and that he be informed that he has the permission of this House to be heard at the bar by counsel."

MR. RICHARDS opposed the amendment, and thought that the course proposed by the hon. member for Middlesex was the right one.--When this resolution was passed, it would be read to Mr. Vansittart, and the punishment inflicted would be according to his answers and the defence he had to make.⁷⁷

MR. H. SHERWOOD⁷⁸ rose and ... condemned the course hon. members were pursuing--although he said he knew it would be of little use pointing out to them the absurdity, the arbitrary character of their proceedings.⁷⁹ ((He)) did not intend to enter into a discussion on the merits of the charge brought against Mr. Vansittart; it was the mode of procedure that he objected to⁸⁰. ((He)) said the majority opposite having brought Mr. Vansittart to the House, and now he was there for the first time, they proceeded to make a charge against him. Such a proceeding was against all justice. But not only did they commit this injustice, but in the worst spirit of tyranny, they not only wished to charge him with crime, but to deny him the privilege of defending himself by counsel.⁸¹ It would be recollected that he (Mr. S.) had maintained that the practice in England was to resolve at once that he had been guilty of a breach of the privileges of the House, and then send for him. If that had been done at the time, as it ought to have been done, Mr. Vansittart would have known what they had to say against him, and be prepared to answer in his defence. But, for the

first time, to-night they told him the charge against him, and called upon him to answer to that charge without having time to consider his defence. He thought the amendment of the gallant knight, which asked for delay only till to-morrow, ought to prevail.⁸² Let Mr. Vansittart appear, and tell him he is to be accused, and may make what preparations he can for defence; then send him away, pass your resolution, and let him come up to-morrow, to answer the charge.⁸³ The hon. gentleman spoke energetically of the high character of Mr. Vansittart, and concluded by observing that if the proceedings were entered on the journals of the House, they would stand forth a glaring contradiction to the great right secured to every British subject by the Magna Charta, and cause the Province to regret that they ever had a House of Assembly.⁸⁴

MR. J. S. MACDONALD (Glengarry) suggested that the original resolution should be passed, and then the resolution of the gallant knight.⁸⁵

SIR A. MACNAB declined to withdraw the amendment, as he thought that it was the proper course to pursue: he thought the speech of the hon. member for Middlesex unfair; the minds of those who were to sit in judgment upon Mr. Vansittart ought not to have been prejudiced by such a statement.⁸⁶

MR. H. BOULTON thought that the course they were pursuing was right; the Returning Officer ought to be called to the bar by this resolution, and then he would have an opportunity to defend himself.⁸⁷

MR. CAMERON said the proceedings of gentlemen on the ministerial benches were unjust and unprecedented⁸⁸. ((He)) would like to know from the hon. and learned members from Norfolk or Middlesex if, since the passing of the Grenville Act, the House had proceeded in the way in which it was now proceeding, because he thought his hon. and learned friends would be unable to find one single precedent. In the Grenville Act, and in the Act subsequently passed, whenever there was a petition against a Returning Officer, or a charge or statement made against him, he had not merely had the privilege of being heard before an Election Committee, sworn to decide his case, but he had had the privilege of being himself a party to the striking of his Committee. He thought his hon. and learned friends would find it difficult to show him one instance since the passing of that Act, when a Returning Officer had been brought to the bar of the House and there voted guilty of a breach of the privileges of the House, without first being heard in his defence. That resolution said that his conduct was arbitrary, illegal, contrary to law, and against the privileges of the House; but if his conduct was contrary to law, the House, in the first instance, judged him guilty of a misdemeanor which they had no right to do, before he was in a position to be heard. They had included in this resolution, not merely that he acted against the privileges of the House, but they declared that in making that return he had acted illegally and contrary to law: in fact by passing this resolution they pronounced him guilty of a misdemeanour which they could not do without permitting him to be heard. (Hear, hear.) He should support the amendment.⁸⁹

MR. PAPINEAU opposed the amendment and considered the Parliament was justified in its proceedings.⁹⁰ ((He)) thought that the motion in amendment was throwing obstacles in the way of the Returning Officer: his friends and advocates in the House were misleading him. In the course which had already been pursued by the House, there was sufficient enough for him to know and understand for what object he was brought there. He knew, and every man in the community knew also, that he would not be taken from his home, dragged from a distance, and brought there, if he had not infringed the privileges of the House, and that he must account to the House for his conduct. The Speaker's warrant which had been put in his hands summoning him to appear, was a sufficient accusation--putting him upon his guard, and giving him to understand that he must be prepared to defend himself. He (Mr. P.) believed that the regular course was that he should be called to the Bar of the House, the motion read to him, and then it would be for him to determine whether he had a better chance of avoiding the punishment which at first sight he seemed to have deserved for having so clearly gone out of his duty as Returning Officer, by throwing himself on the mercy of the House, and saying at once that he was ill-advised--that it was merely from ill judgment, and not from intention, that he had done wrong. If he wished for delay, it was open to him to express that wish for a petition, which might be drawn out in⁹¹three⁹² ((or)) four lines, and which many of his friends on the opposite side would be ready to present,⁹³ and then he anticipated the House would grant it.⁹⁴ But it must come spontaneously from him.⁹⁵

SIR A. MACNAB.--It was at the request of the gentleman that I made this motion: he desires to have counsel.⁹⁶

MR. PAPINEAU.--It ought not, then, to have come through a member of this House. The only way in which he could present himself before the House was by a petition from himself, because then they might see and understood (sic) and know what was the course in his own judgment he thought best to pursue.⁹⁷ But the resolution should first be passed, condemning his conduct, which it was impossible to justify.⁹⁸ The law was so plain, so direct, that even if he had not deemed the qualification illegal, when he had not cautioned the electors that they would cast their votes away by voting for one not qualified, when on the contrary he had in his sounder judgment, in his sounder interpretation of the law, seen clearly that it was illegal to question the qualification after having called on the electors of the County to make use of their rights; under such circumstances, he could not undertake at a later period to determine that which every man of common sense must see it did not belong to him to determine. If he had not made such an extraordinary return--if he had stated the case and expressed the doubts on his mind, there might have been some excuse; but he had proclaimed openly; he had given out to the County, that there was no objection to the qualification--in expectation, it might be that he whom he was determined to exclude from the representation would fall in a minority; he had acted as he had, it might be, to gratify his own angry feelings; it

might be with the hope and expectation that mortification would be heaped on the man whom he was determined to exclude from the seat; but it was strange that having first come to a clear, sound determination, he should afterwards have come to so unsound a decision as he did. The time for objection to the qualification, if any was to be made, was at the nomination. He concluded by declaring the present course to be quite in accordance with British Parliamentary precedents.⁹⁹

MR. H. BOULTON observed that the remarks of the late Solicitor General were only applicable in cases where there was a petition against the Returning Officer, and even in that he had no right to be a party to striking the Committee: it was only at the discretion of the House to permit him to do so. But surely it was in the power of the House, when they found that a Returning Officer had done wrong, to pass a resolution declaring him to be guilty of a breach of privilege, and then he might be called to the Bar for the purpose of being heard. The precedents quoted did not apply to cases like the present, but only to cases in which the Returning Officer had been petitioned against, and then the House had permitted them, but not as a matter of right, to be a party to the petition.¹⁰⁰

COL. PRINCE.--The resolution before the chair declared that Mr. Vansittart was guilty of an act in defiance of all law, contrary to all law, and in infringement of the privileges of the House. That resolution, if it passed, as he had no doubt it would, would be resolved without any evidence as to the facts stated in it. Hon. gentlemen opposite might say the Committee had seated Mr. Hincks; if true, they had done it, and he (Col. Prince) had the honor of being the only dissentient voice in the Committee; and he should be ready at all times, and under all circumstances, to maintain the position which he had taken up in that Committee, that Mr. Hincks was not legally qualified.¹⁰¹

Cheers from the Opposition.¹⁰²

COL. PRINCE ((continued:)) It was not competent to the House to resolve that Mr. Vansittart had acted in defiance of all law--that he had acted illegally, or even partially--without first proving that he had done so; and certainly the report of that Committee was no evidence of the illegality of his act.--(Cheers.) He (Col. P.) had probably acted from misguided judgment, or a deficiency of legal knowledge and understanding, but he had given his vote against the seating of Mr. Hincks, and against that spurious qualification which he gave in.¹⁰³

Loud cheers from the Opposition.¹⁰⁴

COL. PRINCE ((continued:)) They had no right to bring an individual to the bar as they had brought Mr. V., and the only justice they could do now to him was to grant him the privilege of being heard by counsel. What object could he have in being heard by counsel but to defend himself against any punishment which the House ought to award him, but for the purpose of convincing the House that that resolution ought not to pass without his being heard in his defence. What other object could he have in employing counsel? There was a great deal of sound sense in what fell

from the hon. member from St. Maurice, in questioning the propriety of forcing on the Returning Officer being heard by counsel without his request or consent; but his (Col. P.'s) difficulty upon that path was at once removed when the hon. and gallant knight from Hamilton rose in his place and said that it was Mr. Vansittart's desire to be heard. He would not go as far as the hon. gentlemen opposite, who said that the Returning Officer had "advocates" on this side of the House, or at any events not when their advocacy would go contrary to their duty as Legislators; still there were individuals on that side who, when a Returning Officer was brought five or six hundred miles from his home, asked that a resolution should not be passed without his being heard by counsel. (Cheers.) The hon. member for Middlesex, in moving this resolution, entered into a long detail of what he supposed to be facts, by means of which, and by his eloquence, he had seduced the minds of many hon. members; but on some of these facts he had been misinformed; for he (Col. P.) would state, from the very best authority--from information on which he placed the greatest reliance--that the Returning Officer, when this qualification was given in, in the form in which it was received it under protest, saying that he would file it to abide his judgment, after reflection and advice. He hoped and trusted that under all the circumstances of the case, the House would give him an opportunity of being heard by counsel, which hearing would perhaps prevail upon them to abandon the resolution now proposed. (Cheers.)¹⁰⁵

MR. DRUMMOND thought that there was not one word in the resolution proposed by the hon. member for Middlesex in which every gentleman who had at all considered the circumstances of the case could not concur in. Whatever might be the opinion of any hon. member with reference to the motives from which Mr. Vansittart had acted, no man, unless he were the hon. member for Essex, could hesitate to say that he had, having returned Mr. Carroll instead of Mr. Hincks as representative for Oxford, violated the law and the privileges of the House. He was astonished to hear the hon. member for Essex, who styled himself an English gentleman, and as such ought to be conversant with the usages and customs of the British Parliament, express his wonderment that this House should come to any resolution--¹⁰⁶

COL. PRINCE.--I never used the word wonderment. (Laughter.) It does not belong to my vernacular. It was not to be found in an English dictionary, though it may be Canadian. (Laughter.)¹⁰⁷

MR. DRUMMOND.--The hon. gentleman certainly used an expression very like it; astonishment perhaps. Perhaps the hon. gentleman would allow him to make use of the expression. For one, he (Mr. D.) did not mean to say that he had used the word, but he certainly did express a good deal of astonishment and wonderment, that this House should directly come to the conclusion that Mr. Vansittart had acted contrary to the law, without giving him an opportunity of proving that which it would be impossible for him to do. (Hear, hear.) An "English gentleman," an "English lawyer," ought to know that when it appeared in the face of matters that an individual had violated the law, he might be heard in examination of his

offence. (Hear, hear.) He conceived that the amendment was contrary to the usages and customs of Parliament,--he maintained that no person was ever at the Bar of this House without having previously petitioned. The hon. member for St. Maurice, with his well known experience in these matters, had called the attention of the House to this fact, and he (Mr. Drummond) had looked into the matter and into authorities, and he heard that there was no example of any person being allowed to address the House by counsel without having previously petitioned for it. The ordinary rules of the House should not then be violated in this instance. It would be easy for any friend of Mr. Vansittart's to present a petition, but unless a petition was presented he must vote against his being heard by counsel.--He should vote against it at any rate, he should vote against his being heard upon this resolution; he had nothing to do with this resolution. He could not interfere with the expression of public opinion by the House¹⁰⁸. Hon. members opposite had talked of justice for the Returning Officer, but he demanded justice for the country. First, do justice to the country, and then proceed to do justice to Mr. Vansittart.¹⁰⁹ If he could show that although he had violated the law and the privileges of Parliament, that he had been led into error, and had not done it willfully, then for one he (Mr. D.) should be ready to grant that he should be heard by counsel in explanation. And now to another point. He was sorry the hon. member for Essex had thought proper to refer to the proceedings which had taken place on an election committee, and to say, "I for one voted in such a way, and Mr. So and So in that way," he believed it was not irregular to do so, but he would tell that hon. member, since he had referred to it, that he ought to remember that the reason which incited that committee to declare the petition of Mr. Carroll "frivolous and vexatious," was that one hon. and learned member of that House--upon that committee--had declared that he considered the qualification of Mr. Hincks was not pursuant to the requirement of the statute. The members of the committee thought therefore that if an hon. and learned member of the House could after mature consideration form an opinion, in our judgment extraordinary, we ought not to decide the petition frivolous and vexatious. That was the sole reason which influenced them, therefore any hon. gentleman who said that Mr. Vansittart's conduct, in refusing the qualification, was justifiable or right, placed himself in opposition to the decision of that committee. He thought therefore that they would be perfectly consistent in declaring that Mr. Vansittart had violated the privileges of the House and been guilty of such a breach of the public confidence as should call down punishment upon him, at the same time that they declared Mr. Carroll's petition not frivolous and vexatious.¹¹⁰

COL. PRINCE contended that the Election Committee were not secret, and that there was nothing unusual in declaring what took place there. The Committee had unanimously agreed that Mr. Carroll's petition was not frivolous or vexatious; and if Mr. C. had good ground for appeal and petition in the House--and if the Committee, after great difficulty, decided that Mr. Hinck's qualification was good, but that Mr. Carroll's petition was not frivolous--surely that was some argument in favour of the Returning Officer's conduct. (Hear, hear.)¹¹¹

MR. CAMERON quoted any number of precedents and authorities to prove that a Returning Officer had a right to be heard by counsel without petitioning.¹¹²

SIR A. MACNAB demonstrated the injustice of the proposed Ministerial proceeding.¹¹³

MR. ARMSTRONG said he rose for the purpose of saying he felt, in this instance, compelled by a sense of justice, to vote against his friends.¹¹⁴ ((He)) did not think it fair that the Returning Officer should be brought up and condemned before being heard in his defence: he did not think it fair that he should be accused and immediately condemned without having an opportunity of vindicating himself and bringing forward witnesses on his behalf.¹¹⁵

Cheers from the minority.¹¹⁶

MR. ARMSTRONG ((continued:)) The decision of the House, once passed, would go upon the Journals and could not be recalled: he would be condemned, by a resolution of the House, unheard. (Cheers.)¹¹⁷

MR. DRUMMOND insisted that in voting for this resolution, they were following the mode of proceeding invariably adopted in England. It was no condemnation of Mr. Vansittart: it merely stated the fact that he had committed an act contrary to law.¹¹⁸

Ironical cheers of "Hear, hear," from the minority.¹¹⁹

MR. DRUMMOND ((continued:)) How often men committed acts which were contrary to law without being guilty of wrong. They on this side of the House, in voting for the motion of the hon. member for Middlesex, were only following the invariable course in England in these matters. Gentlemen opposite ought not, therefore, to drag them before the country as being guilty of injustice and impartiality; he, for one, did not stand in that position. They did not declare Mr. Vansittart guilty of a misdemeanour.¹²⁰

SIR A. MACNAB.--Yes, you do.¹²¹

MR. DRUMMOND.--No, they did not.¹²²

SIR A. MACNAB.--I say, you do.¹²³

MR. DRUMMOND.--Every man who voted with the majority on a former occasion when this election was before the House, and now declared that Mr. Vansittart had not committed an act contrary to law, placed himself in direct contradiction. (Hear, hear.) If the person at the bar wished to be heard by counsel, he must obey the rules of the House and petition. (Hear, hear.)¹²⁴

⁽⁶⁹⁾
The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Armstrong, Badgley, Cameron, Cayley, Christie, Cuthbert,

Daly, Macdonald of KINGSTON, Sir Allan N. MacNab, Malloch, Meyers, Prince, Robinson, Sherwood of TORONTO, Stevenson, and Webster.--(16.)

NAYS.

Messieurs Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Cauchon, Chabot, Chauveau, DeWitt, Drummond, Duchesnay, Dumas, Egan, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Johnson, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, Marquis, Mongenais, Morrison, Nelson, Notman, Papineau, Richards, Sawageau, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Watts, and Wetenhall.--(40.)

So it passed in the Negative.

The main question was then put by MR. MORIN.¹²⁵

MR. ARMSTRONG would vote for the original motion, since the amendment was lost.¹²⁶

MR. H. SHERWOOD¹²⁷ said, since the House had now resolved to proceed with the condemnation of the Returning officer, he supposed it was of little use to illustrate the absurdity that hon. gentlemen opposite were committing. They were not attempting to bring Mr. Vansittart to their bar for trial, but they were passing sentence upon him; and then, after condemnation, declaring he should be tried for the offence. What could be said of such proceedings? They were contrary to reason; contrary to common sense; contrary to the proceedings of any court or any other Parliament. Could it be the intention of this Parliament to convict the Returning Officer before they tried him? He could not believe it; he thought hon. gentlemen opposite must misunderstand the effect of the resolution they were about to pass. He could not imagine it possible that the hon. mover could intentionally commit so great an injustice. You, said the hon. gentleman addressing the opposite benches, summon a man to appear at the bar of this House, and before you ask for explanation, you decide that he is guilty. You convict him first, and ask him to defend himself afterwards. It was as contrary to all principle, and however much he regretted occupying the time of the House, he could not give a silent vote. How had Mr. Vansittart acted in making his return? He believed, from all he knew or heard of this question, he had acted on the best advice he could get. If this be the case he could be guilty of no crime; he could have no intention of wilfully doing wrong, and without intention there could be no crime. In your resolution, you assert, he acted in defiance of the law. To assert this is to say that Mr. Vansittart knew the law. What possible right have you to assume this to be the fact? This resolution is of a piece with the whole proceeding in this Oxford election case; and not only had the conduct of the Ministerial majority been grossly unconstitutional in this House, but he had been credibly informed that, at one time,¹²⁸ it had been proposed and canvassed about to issue a new writ for the county of Oxford before deciding on Mr. Carroll's petition.¹²⁹ But this was one step too far for even the hon. Members opposite. The hon. Member spoke ... in favour of Mr. Vansittart, and pronounced him incapable of committing a corrupt action. You bring him, said the hon. gentleman, to the bar of this House to explain his

conduct, and pass judgment on him before he appears. Suppose when you hear his defence, you admit he is innocent, will you reverse your judgment? No. There it will stand upon the journals of the house, and Mr. Vansittart may vainly endeavour to wipe away the stain. And this gross injustice is to be committed through what hon. gentlemen opposite call proceedings of Parliament. In the opinion of these hon. gentlemen the privileges of Parliament are to overbear all reason; to overrule all Courts of Justice; to run rampant through the land at the will of the merciful majority; that no one shall know where they begin, or where they may end; that they may deprive a man of trial by jury, that great right secured to every British subject by Magna Charta, and cause the nation to regret they ever had a House of Assembly.¹³⁰

MR. NOTMAN had never heard of such a proposal ((as Mr. Sherwood spoke of)) before; it had certainly never been contemplated or canvassed by him.¹³¹

MR. RICHARDS had heard many extraordinary things connected with elections, but the speech of the hon. member for Toronto was one of the most extraordinary. After hearing the hon. gentleman's arguments in the Beauharnois case, he had understood him to say, as well as the gallant knight for Hamilton, that by bringing the Returning Officer to the bar and putting interrogatories to him before the House had declared him guilty of a breach of privilege, was most irregular and unconstitutional. (Loud cheers.) They had been told that the course which they were to-night pursuing would have been perfectly Parliamentary, the House first declaring the party at the bar guilty of a breach of privilege, because persons were not supposed to know what were the privileges of the House--they were in their own power and possession--they therefore declared the party guilty of a breach of these privileges, and brought him to the bar to answer the charge.¹³² ((He, Mr. Richards)) assert((ed)) his ignorance of Parliamentary usages; but¹³³ he was sure that any gentleman acquainted with Parliamentary law would concur with him that this was the course usual to be pursued. It certainly would strike one accustomed to the proceedings of common law as strange, that a party should first be declared guilty of a breach of privilege and then be called upon to answer; but he believed that it was the Parliamentary law, and he certainly gathered that conclusion from the arguments, energetic and forceful, of the hon. member of the city of Toronto on the Beauharnois case; therefore he had never been more surprised that (sic) when ((the)) hon. gentleman argued as he had been doing to-night, for it seemed to him that the views and position he took in the Beauharnois case were quite contrary to those which he was taking now. (Cheers.) The hon. member said that there must be a charge; it seemed to him that it was for the House to decide upon the charge. It was argued that they were now the tribunal who made the charge and the judges who tried it; it might be so, but it must invariably happen in all cases connected with a breach of the privileges of the House.¹³⁴

MR. STEVENSON said a few words¹³⁵ against the resolution.¹³⁶

MR. CAMERON opposed the tone, the feeling, and the character of the proceedings of the hon. gentlemen opposite, and asserted that not one

instance could be given in which an election case had gone before a Grenville Committee, unless that Committee made a special report concerning the conduct of the Returning Officer, before any subsequent proceedings had been taken by the House. He contended a Returning Officer was not a mere machine to add up figures; but that his office was judicial as well as Ministerial. The hon. gentleman cited many authorities for his opinion. He contended that, despite the decision of the Committee, the qualification of Mr. Hincks was insufficient from being out-dated. He argued the Returning Officer was judge of the facts, and quoted cases in which the British Parliament had so decided; he alluded to a petition in favour of Mr. Vansittart which had been presented to the House, by 250 or 300 of the supporters of Mr. Hincks, and concluded by denouncing the injustice of the whole proceedings, and his determination that right should be done to the Returning Officer by a jury of his countrymen, and in a Court where the judges would not refuse the aid of counsel, which had been so tyrannically denied by the honourable gentlemen on the Ministerial Benches.¹³⁷ ((He declared)) his determination, in case it was proposed to punish Mr. Vansittart, of moving an amendment that an address be presented to His Excellency praying him to direct the Attorney General for Upper Canada to the information against Mr. Vansittart, in order that the decision of the Court of Queen's Bench might be taken as to the question of the qualification.¹³⁸

MR. H. BOULTON ... spoke in favour of the resolution¹³⁹.

MR. J. SCOTT (Bytown) said that the hon. member for Cornwall had stated his intention in case this resolution passed, to move that the matter be referred to the Court of Queen's Bench. He did not know whether the hon. gentleman meant to raise this as a bugbear to frighten the members of the legal profession from Upper Canada, or that side of the House from exercising their judgment. But if he did, it would fail most signally. (Cheers.--) Had the hon. member not been guilty of one of those quibbles which so often disgraced that House, he would have seen that the Queen's Bench could not have decided this matter otherwise, for this reason:--When the qualification was entered, a poll was allowed, and the polling took place; so that if Mr. Vansittart had any objection to the qualification of Mr. Hincks, he waived it by allowing the polling. This being the case, the hon. and learned member for Cornwall must know as well as he (Mr. Scott) did, that the Court of Queen's Bench would not take the matter up. They were there now not to decide if the qualification was good or bad--that question was already determined by a competent tribunal--but simply to try Mr. Vansittart for the course he thought proper to pursue with regard to the return, and this resolution must be passed in order to arrive at the point they desired. For this reason he would support the resolution before the Chair; and if Mr. Vansittart should then require to be heard by counsel, he should be one of the first to grant it to him; but Returning Officers must not be allowed to play with the privileges of the House, and trample on their rights. (Loud cheers.)¹⁴⁰

MR. LYON ... ((then spoke.))¹⁴¹

(69)

The Question being then put on the main Motion, the House again divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Beaubien, Bell, Boulton of NORFOLK, Bouthillier, Cauchon, Chabot, DeWitt, Drummond, Duchesnay, Egan, Flint, Fortier, Fournier, Fourquin, Guillet, Hall, Holmes, Jobin, Johnson, Laurin, Lemieux, Lyon, Macdonald of GLENGARRY, Marquis, Mongenais, Morrison, Nelson, Notman, Papineau, Richards, Sauvageau, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Taché, Thompson, Watts, and Wetenhall.--(38.)

NAYS.

Messieurs Badgley, Cameron, Cayley, Macdonald of KINGSTON, Sir Allan N. MacNab, Mulloch, M'Connell, Meyers, Prince, Robinson, Sherwood of TORONTO, Stevenson, and Webster.--(13.))¹⁴²

So it was resolved in the Affirmative.

Mr. Notman moved, seconded by the Honorable Mr. Boulton, and the Question being put, That John George Vansittart, Esquire, do appear forthwith at the bar of this House; that the foregoing Resolution be read to him; and that he be heard in his defence.

Cheers and counter cheers.¹⁴³

COL. PRINCE said it was little use now contending for justice to Mr. Vansittart: and he should advise him if his advice were of any use that the only chance for him now was to throw himself upon the mercy of this most merciful house. There was no other course, justice was out of the question.¹⁴⁴

SIR A. MACNAB said he considered this summary condemnation rather sharp practice, however, let it go as it was. His side of the House could do nothing against the will of the majority opposite.¹⁴⁵

(70)

The House divided; and the names being called for, they were taken down, as in the last preceding division,

So it was resolved in the Affirmative.

John George Vansittart was then called, and appeared at the bar forthwith; and the said Resolution having been read to him,

MR. DRUMMOND urged that Mr. Vansittart should petition to be heard by counsel¹⁴⁶.

But the proposition was ... repulsed by SIR A. MACNAB.¹⁴⁷

(70)

he addressed the House;

I appear, said MR. VANSITTART,¹⁴⁸ at the Bar of this hon. House to answer for my conduct as Returning Officer at the late Oxford Election, and I assure the hon. House that until this moment I was ignorant how it

would be treated; and when I entered the House I was hurt and surprised to find the course it was proposed should be pursued by adopting the resolution which has just been read.¹⁴⁹ When he first ... heard the manner in which it was to be treated, and the grave way in which the House would take it up, he confessed he was desirous of being allowed the assistance of some counsel in the matter. However, the House had now passed the resolution against which he would have prayed to be heard, and it was now only left to him to explain as briefly as he could, the circumstances connected with the election, to endeavour to exculpate his character from the charges thrown upon it, and not to defend in a legal point of view that which the House had already decided against. In the first instance, he would mention that the appointment of Returning Officer of the County of Oxford was never sought by himself or his friends; and the first intimation of it was the communication announcing the appointment.¹⁵⁰ I objected to accept it; I had no desire to act in that capacity, and used all exertions to be relieved from so doing, but finding my efforts vain, I resolved, to the best of my ability and conscience, to do my duty.¹⁵¹ He immediately went to a friend--a gentlemen (sic) of the legal profession in Woodstock--to request that he would direct his attention to the laws on the subject, and at the same time express his great disinclination to act. It was represented to him, however, that this refusal might cause some embarrassment to the Government, and that it would be unseemly for him to embarrass them, as he held office under them: he had, therefore, consented to act¹⁵². It would be unseemly to me to assert my decision was right, now that this hon. House has decided against me; but I can declare that throughout the Election I endeavoured to act¹⁵³ an open, impartial, honourable and upright part, notwithstanding what had been said to the contrary. He immediately consulted with his friend upon those points of law which were to regulate his conduct, and his attention had been called to the fact that if the hon. candidate, now Inspector General, had not returned at the time of the election, there might be some question as to the qualification.¹⁵⁴ I ... heard the qualification intended to be produced on the part of Mr. Hincks was dated long before the Election.¹⁵⁵ This was the first occasion on which his attention was directed to the point: he looked minutely into the Acts of Parliament and such Statutes as were at hand; and it appeared to him, that in the event of the Hon. Francis Hincks not being present, there would be a difficulty in the case¹⁵⁶, that ... ((the qualification)) would be insufficient; but if on that qualification I allowed votes to be taken, and did not return the candidate having the majority, my decision might be questioned.¹⁵⁷ He then took the advice of another legal gentleman in his own neighborhood,¹⁵⁸ in Hamilton¹⁵⁹ and that advice quite concurred with what had appeared to him to be the law, viz.: that if the qualification produced was long ante-dated, it would not be valid.¹⁶⁰ I was still disinclined to take upon myself the great responsibility of rejecting it, and thought it my duty to obtain an opinion of the highest legal offices of the Crown¹⁶¹, as he felt entitled to do¹⁶². I addressed a letter to Her Majesty's Solicitor General¹⁶³ whom he had the honour of claiming as an old friend. Not being sure whether that gentleman was in Montreal or Toronto, he addressed his letter under cover to

a friend at Toronto, requesting him¹⁶⁴ that, if Mr. Cameron was not in the neighborhood, it should be sent to Mr. Sherwood. In writing this letter, in soliciting his opinion, I asked it not for party purposes, but because I honestly believed that in the difficulty in which I found myself a resort to the legal advisers of the Crown would be my proper course. From what cause I cannot say, the letter never reached its destination; I obtained no answer.¹⁶⁵ The day of nomination came on; but¹⁶⁶ my anxiety on this point soon became greatly lessened; I ascertained that Mr. Hincks was in Montreal¹⁶⁷; he therefore considered the difficulty at once set at rest, and assumed, as he naturally might, that the hon. gentleman would forward a qualification sworn to, since his return¹⁶⁸ before the day of nomination¹⁶⁹; and when, on the day of nomination, a qualification was handed to him, and he read it over and found that it was drawn out some time previously, he was quite taken by surprise. He could scarcely have conceived that when the gentleman was himself in Montreal, a qualification so long ante-dated would have been handed to him¹⁷⁰. I, therefore, argued that the non arrival of another was a miscalculation as to the time occupied by the post, or to the badness of the roads, or some delay of the parties who it ought to be entrusted with; I confidently expected a fresh qualification would arrive¹⁷¹ before the polling day ... He believed, then, as he did now, that the law permitted a candidate to present a qualification up to the hour of going to the poll¹⁷². I considered I should be injuring and acting unjustly ... to Mr. Hincks¹⁷³, ((to)) those in Mr. Hinck's interest¹⁷⁴, and ((to)) the constituency by preventing a Poll on his behalf;¹⁷⁵ and it might have been supposed that if he had refused to admit that gentleman as a candidate, he desired to exclude him from the representation of the county.¹⁷⁶ I, therefore, withheld my judgment, and received the qualification offered, under protest.¹⁷⁷ Hon. members were wrong in stating that he received and accepted the qualification; he did no such thing:¹⁷⁸ I was asked by the gentleman acting for Mr. Hincks, as to what course I should adopt; I replied: I should file the qualification and allow the election to proceed¹⁷⁹ and then endeavour to find out the law of the case and take further advice.¹⁸⁰ At the close of the Poll, I still reserved my decision, for I could not resolve what return it was my duty to make under the peculiar circumstances, and with the conflicting opinions I heard around me. To the best of my judgment the qualification was bad; but I took further advice from¹⁸¹ a professional gentleman from Hamilton; and seeing by the papers that his friend, the Solicitor General, was to leave Toronto on a certain day for the county of Kent, he had determined to be in Woodstock and endeavour to see him as he passed through. Accordingly, he saw him whilst he stopped at the inn having his horses changed, and obtained his opinion with regard to the point of qualification¹⁸², the interview lasting little more than fifteen minutes.¹⁸³ Mr. Cameron had produced legal authorities, and referred him to precedents which he had with him, and also to precedents in English law, in some of the English law works on elections, and also to the clauses in Acts of Parliament, and stated that he had no doubt in his mind, and thought that there could none in anybody's, that his (Mr. V's) course must be perfectly apparent from the points of law to which he had referred.

He gave no directions; he merely gave his legal opinion, and referred most distinctly to different law books and Acts of Parliament, and again to the English laws and precedents, and made it conclusive to him (Mr. V.) that he was right in reserving his decision on the day of nomination. Accordingly¹⁸⁴ after much anxious deliberation I made up my mind in what manner to act; I felt confirmed in my previous opinion, that Mr. Hinck's qualification was invalid, but I reserved that opinion, and never declared it either to friend or foe, until this day of declaration, when I¹⁸⁵ went to the Court House¹⁸⁶ ((and)) returned Mr. Peter Carroll. The House has decided I made, an improper return, but they have also decided it was corrupt and in defiance of the law. I think I can make it clear that this was not the case. For days before the declaration I knew the result of the Upper Canada Elections¹⁸⁷. He knew well then that this House would be adverse to the party who had appointed him,¹⁸⁸ I knew the majority of this House would be adverse to my decision; I knew¹⁸⁹ equally well ... that the Hon. Francis Hincks would be at the head of his party; that he would, from his talents, be certain to assume a high position amongst those who would be called to power¹⁹⁰ and that I should make a powerful enemy.¹⁹¹ He was, therefore, sure that what he was doing was hazardous to his personal interests, and was likely to be injurious to the Conservative cause generally, and especially in Oxford¹⁹². Had I acted for my own interest or for the interest of the party, which it is said I have corruptly supported, I should have returned the present Insp. Gen., because I felt certain¹⁹³ and ... stated ((so)) at the time, that¹⁹⁴ my decision would perpetuate that gentleman's seat for Oxford for three or four¹⁹⁵ Parliaments to come¹⁹⁶, but I did what I thought right, I acted as my conscience told me I ought to act¹⁹⁷. He had acted not from impure motives: he had made the return according to what he believed that the law required, as he was accustomed to act up to what he believed to be right, and to do his duty without attempting to weigh other considerations, or to calculate what might be the consequence. He knew well, in making that return, that he was doing what would serve neither him nor his; but he felt that it was his right course: and though the hon. gentleman who moved the resolution which condemned him, had thought proper to pour contempt¹⁹⁸ reproach¹⁹⁹ and contumely on his head, yet he could assure that hon. gentleman, that he had been actuated by motives as high and honorable as any which he had ever known in his own breast. (Cheers.)²⁰⁰

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and was subsequently examined; as followeth:--

By Mr. Notman,

1. Were you the Returning Officer at the last Election for the County of Oxford?--I was.

2. Were Peter Carroll, Esquire, the Honorable Francis Hincks, and Robert Campbell, Esquire, candidates at the said Election, and were they severally proposed and seconded as such, and was a show of hands taken thereat?--These three Gentlemen were candidates, and there was a show of hands.

3. On a show of hands, whom and which of the said candidates did you declare as having the majority?--The Honorable Francis Hincks.

4. Was a Poll demanded on behalf of either or both of the candidates--the said Peter Carroll, and the said Robert Campbell?--It was demanded on the part of both.

5. Was the Qualification of the Honorable Francis Hincks demanded on the day of nomination; and by whom was it handed to you on his behalf?--It was demanded; and, I think, handed me by Mr. Brown, but of this I am not certain.

By Mr. Prince,

6. Did Mr. Brown then state to you that he was authorized by Mr. Hincks to put in the Declaration?--I do not remember that he positively expressed it.

By Mr. Notman,

7. Did you accept it, and did you send out Poll Books to your several Deputies with the name of the Honorable Francis Hincks entered in them as a properly qualified candidate?--I filed the Qualification;--I say no to the latter part of the question.

By Mr. Prince,

8. Did Mr. Brown at any time during the election, represent himself as the agent of Mr. Hincks; and if so, did he produce any authority from Mr. Hincks to support his representation to that effect?--Mr. Brown sent his name to me immediately before the proceedings of the nomination, desiring to act as Mr. Hincks' friend, which I allowed; but he produced no authority to that effect.

By Mr. Morrison,

9. Did you instruct or intimate to your Deputy Returning Officers, that the Honorable Francis Hincks was a candidate for whom they were to receive votes?--No.

By the Honorable Mr. Boulton,

10. Were the Poll Books prepared with columns for the names of the candidates, and if aye, was there, or not, a column with Mr. Hincks' name entered at the head thereof, as a candidate?--I directed the two or three clerks or persons employed to prepare Poll Books, to rule columns for the candidates, lots, townships, and remarks, and to head them for the different Townships.

11. Was there any notice or intimation given by you to the Deputies, relating to Mr. Hincks' Qualification?--No.

By Mr. Richards,

12. Was the name of the Honorable Francis Hincks inserted as a candidate in the Poll Books sent out by you to your Deputies at the said Election, and before the said Poll Books were given to the said Deputies?--Not by my orders. From conversations had since with some of the Deputies, I believe it was inserted in some of them, but it had not been by me.

13. Were you, or not, aware at the time that the said Poll Books were sent to your Deputies, that the name of the said Francis Hincks was inserted in them, or some of them, as a candidate?--I do not remember whether it was the case; but it may have escaped my attention, as I did not consider it a matter of importance whether it was the case or not.

14. Did you, or not, examine the said Poll Books before they were sent to your Deputies, to see if they were made out according to law?--I examined the proof page as a pattern for the rest, to see if it was correct, on which there was no writing.

By Mr. Notman,

15. Are the several letters, respectively bearing date the sixth day of January last, the fifteenth day of January last, and the eighteenth day of January last, accompanying the Poll Books, the Writ of Election, and the Return thereto, in your handwriting?--They are.

By the Honorable Mr. Boulton,

16. Did you cause a column to be prepared, or were you aware whether or not a column was prepared, for the name of Mr. Carroll as a candidate, or did you consider that of no importance?--In the proof page that I examined, there were three columns, but whether Mr. Carroll's name was written there I know not: I thought it of little importance.

By Mr. Morrison,

17. Did you or did you not intimate to your Deputy Returning Officers, who were the candidates nominated at the Election; if yea, state the names of such candidates; if nay, who gave your Deputies the names of the candidates for your Poll Books, to the best of your belief?--Indeed I did not; for the matter was of such notoriety, that I thought it quite unnecessary.

By the Honorable Mr. Boulton,

18. Look at the Poll Books now shewn to you. Were they prepared under your direction in the form in which they now appear?--I believe they are in accordance with the proof page of which I have spoken before, and on which there was no writing.

By Mr. Richards,

19. Look at the first page of the Poll Books for the several townships now shewn to you, and say in whose handwriting are the names of Carroll, Hincks, and Campbell, at the head of each of them?--I really cannot say: I recognize some of them in the handwriting of Mr. Fequett, my clerk at the time, the only one whose handwriting I was familiar with.

By Mr. Morrison,

20. What are the names of the candidates whose notoriety you have referred to in a former answer; and whose names you did not think necessary to intimate to your Deputies on account of such notoriety?--Mr. Hincks, Mr. Carroll, and Mr. Campbell.

By Mr. Notman,

21. Had you any legal advice for the course you pursued; and, if so, from whom did you receive that advice, and their names?--Legal opinion, in conversation, I had from several; and, directly, from Mr. Hughes, a barrister, formerly at Woodstock, and now at London; from Mr. Cameron, late Solicitor-General; and, in an indirect manner, from Mr. Hatt, a barrister at Hamilton.

By Mr. Smith of Durham,

22. Did you give the electors to understand, at the time of the nomination, that you should hold votes given to the said Honorable Francis Hincks as thrown away, and that you considered him ineligible?--I have before stated that I had then reserved my opinion upon the Qualification.

23. Did you not say at the nomination, that the question of Qualification would be left to this House for decision?--I believe not.

And then he was directed to withdraw.

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On motion of Mr. Notman, seconded by the Honorable Mr. Boulton,

Ordered, That the further consideration of the case of John George Vansittart, Esquire, Returning Officer at the last Election for the County of Oxford, be postponed until to-morrow.

Ordered, That George Brown, Esquire, do attend this House to-morrow, to be examined as a witness, touching the matter of complaint against the said John George Vansittart, Esquire.

Contingencies
of the House.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Nine thousand five hundred and sixty-four pounds currency, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That Mr. DeWitt, Mr. Cauchon, Mr. Smith of Durham, and Mr. Smith of Wentworth, do present the said Address to His Excellency the Governor General.

Orders
deferred.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

Then, on motion of Mr. Notman, seconded by Mr. Smith of Wentworth,
The House adjourned.²⁰¹

FOOTNOTES: 21 MARCH 1848

1. The debate on this matter was reported by: HAMILTON SPECTATOR, 5 April 1848, copied from MONTREAL HERALD, PILOT, 25 March 1848, PACKET, 7 April 1848, MONTREAL GAZETTE, 24 March 1848, and MONTREAL TRANSCRIPT, 25 March 1848, in accounts containing some speeches which are identical, and some which are omitted from the PILOT's, the PACKET's, the MONTREAL GAZETTE's, and the MONTREAL TRANSCRIPT's accounts and abbreviated in the PACKET's account; PILOT, 28 March 1848; and BRITISH COLONIST, 7 April 1848, whose columns have been cut away, and whose account is in some respects similar to, although shorter than, the PILOT's account, 28 March 1848, and in other respects is identical to the MONTREAL GAZETTE's account, 24 March 1848. Commentaries may be found in PACKET, 14 April 1848, copied from the PILOT, 23 March 1848. The debate was described by PILOT, 23 March 1848, as "warm ... almost angry".
2. MONTREAL TRANSCRIPT, 25 March 1848.
3. PILOT, 28 March 1848.
4. MONTREAL TRANSCRIPT, 25 March 1848.
5. PILOT, 28 March 1848.
6. MONTREAL TRANSCRIPT, 25 March 1848.
7. PILOT, 28 March 1848.
8. MONTREAL TRANSCRIPT, 25 March 1848.
9. PILOT, 28 March 1848.
10. MONTREAL TRANSCRIPT, 25 March 1848.
11. PILOT, 28 March 1848.
12. MONTREAL TRANSCRIPT, 25 March 1848.
13. PILOT, 28 March 1848.
14. MONTREAL TRANSCRIPT, 25 March 1848.
15. PILOT, 28 March 1848.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. MONTREAL TRANSCRIPT, 25 March 1848.
21. PILOT, 28 March 1848.
22. MONTREAL TRANSCRIPT, 25 March 1848.
23. PILOT, 25 March 1848.
24. IBID., 23 March 1848, noted that Cayley "spoke with great warmth".
25. HAMILTON SPECTATOR, 5 April 1848.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. MONTREAL GAZETTE, 24 March 1848.
32. HAMILTON SPECTATOR, 5 April 1848.
33. MONTREAL GAZETTE, 24 March 1848.
34. HAMILTON SPECTATOR, 5 April 1848.
35. IBID.

36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID., which gave the figure as £14,000.
46. PILOT, 28 March 1848.
47. HAMILTON SPECTATOR, 5 April 1848.
48. PILOT, 28 March 1848.
49. HAMILTON SPECTATOR, 5 April 1848.
50. PILOT, 28 March 1848.
51. MONTREAL GAZETTE, 24 March 1848.
52. PILOT, 28 March 1848.
53. IBID.
54. IBID.
55. IBID.
56. HAMILTON SPECTATOR, 5 April 1848.
57. MONTREAL GAZETTE, 24 March 1848.
58. HAMILTON SPECTATOR, 5 April 1848.
59. PILOT, 28 March 1848.
60. IBID.
61. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 25 March 1848; PILOT, 28 March 1848, and L'AVENIR, 30 March 1848, in identical accounts, except that in L'AVENIR, some speeches have been omitted entirely; HAMILTON SPECTATOR, 8 April 1848, copied from MONTREAL COURIER, CHATHAM CLEANER, 11 April 1848, and MONTREAL GAZETTE, 24, 27 March 1848, in accounts which are identical, except that in the CHATHAM GLEANER some speeches have been omitted entirely; PILOT, 25, 30 March 1848. MONTREAL TRANSCRIPT, 23 March 1848, noted the debate and provided a commentary. LA MINERVE, 23 March 1848, gave the following explanation for only providing a summary of the debate: "Comme la langue française n'a pas pris beaucoup de part à ces débats, qui d'ailleurs étaient passablement ennuyeux, et vu aussi que la chose regarde spécialement le Haut-Canada, nous ne ferons qu'en donner la substance." The discussion on this matter "lasted for several hours" according to PILOT, 25 March 1848.
62. PILOT, 28 March 1848.
63. MONTREAL GAZETTE, 24 March 1848.
64. MONTREAL TRANSCRIPT, 25 March 1848.
65. MONTREAL GAZETTE, 24 March 1848.
66. PILOT, 28 March 1848.
67. MONTREAL GAZETTE, 24 March 1848.
68. IBID.
69. IBID.
70. PILOT, 28 March 1848.
71. IBID.
72. MONTREAL GAZETTE, 24 March 1848.

73. PILOT, 28 March 1848.
74. IBID.
75. MONTREAL TRANSCRIPT, 25 March 1848.
76. PILOT, 28 March 1848.
77. IBID.
78. According to MONTREAL TRANSCRIPT, 25 March 1848, Sherwood made "a long speech".
79. MONTREAL TRANSCRIPT, 25 March 1848.
80. PILOT, 28 March 1848.
81. MONTREAL GAZETTE, 24 March 1848.
82. PILOT, 28 March 1848.
83. MONTREAL GAZETTE, 24 March 1848.
84. MONTREAL TRANSCRIPT, 25 March 1848.
85. PILOT, 28 March 1848.
86. IBID.
87. IBID.
88. MONTREAL GAZETTE, 24 March 1848.
89. PILOT, 28 March 1848.
90. MONTREAL GAZETTE, 24 March 1848.
91. PILOT, 28 March 1848.
92. MONTREAL GAZETTE, 24 March 1848.
93. PILOT, 28 March 1848.
94. MONTREAL GAZETTE, 24 March 1848.
95. PILOT, 28 March 1848.
96. IBID.
97. IBID.
98. MONTREAL GAZETTE, 24 March 1848.
99. PILOT, 28 March 1848.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. MONTREAL GAZETTE, 24 March 1848.
110. PILOT, 28 March 1848.
111. IBID.
112. IBID.
113. MONTREAL GAZETTE, 24 March 1848.
114. IBID.
115. PILOT, 28 March 1848.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.

123. IBID.
124. IBID.
125. MONTREAL GAZETTE, 24 March 1848.
126. PILOT, 28 March 1848.
127. IBID., which commented that Sherwood spoke "long and energetically".
128. MONTREAL GAZETTE, 24 March 1848.
129. PILOT, 28 March 1848.
130. MONTREAL GAZETTE, 24 March 1848.
131. PILOT, 28 March 1848.
132. IBID.
133. MONTREAL GAZETTE, 24 March 1848.
134. PILOT, 28 March 1848.
135. IBID.
136. MONTREAL GAZETTE, 24 March 1848, added: "We regret that from the low tone in which this gentleman gives utterance to his sentiments, we could scarcely distinguish a syllable, much less understand his arguments."
137. MONTREAL GAZETTE, 24 March 1848.
138. PILOT, 28 March 1848.
139. MONTREAL GAZETTE, 24 March 1848.
140. PILOT, 28 March 1848.
141. MONTREAL GAZETTE, 24 March 1848, whose reporter observed in a note: "This gentleman harangued the assembly in a remarkably calm and dispassionate manner; but whether he was addressing the Speaker or a large book before him on which he kept his eyes constantly fixed, it was impossible for me to determine."
142. PILOT, 28 March 1848, mistakenly reported the results of the division as "Yeas, 48; Nays, 35; majority for the motion, 25."
143. PILOT, 30 March 1848.
144. MONTREAL GAZETTE, 24 March 1848.
145. IBID.
146. PILOT, 30 March 1848.
147. IBID.
148. MONTREAL GAZETTE, 24 March 1848, described Vansittart's speech as "subdued, calm, moderate and eloquent".
149. MONTREAL GAZETTE, 24 March 1848.
150. PILOT, 30 March 1848.
151. MONTREAL GAZETTE, 24 March 1848.
152. PILOT, 30 March 1848.
153. MONTREAL GAZETTE, 24 March 1848.
154. PILOT, 30 March 1848.
155. MONTREAL GAZETTE, 24 March 1848.
156. PILOT, 30 March 1848.
157. MONTREAL GAZETTE, 24 March 1848.
158. PILOT, 30 March 1848.
159. MONTREAL GAZETTE, 24 March 1848.
160. PILOT, 30 March 1848.
161. MONTREAL GAZETTE, 24 March 1848.
162. PILOT, 30 March 1848.
163. MONTREAL GAZETTE, 24 March 1848.

164. PILOT, 30 March 1848.
165. MONTREAL GAZETTE, 24 March 1848.
166. PILOT, 30 March 1848.
167. MONTREAL GAZETTE, 24 March 1848.
168. PILOT, 30 March 1848.
169. MONTREAL GAZETTE, 24 March 1848.
170. PILOT, 30 March 1848.
171. MONTREAL GAZETTE, 24 March 1848.
172. PILOT, 30 March 1848.
173. MONTREAL GAZETTE, 24 March 1848.
174. PILOT, 30 March 1848.
175. MONTREAL GAZETTE, 24 March 1848.
176. PILOT, 30 March 1848.
177. MONTREAL GAZETTE, 24 March 1848.
178. PILOT, 30 March 1848.
179. MONTREAL GAZETTE, 24 March 1848.
180. PILOT, 30 March 1848.
181. MONTREAL GAZETTE, 24 March 1848.
182. PILOT, 30 March 1848.
183. MONTREAL GAZETTE, 24 March 1848.
184. PILOT, 30 March 1848.
185. MONTREAL GAZETTE, 24 March 1848.
186. PILOT, 30 March 1848.
187. MONTREAL GAZETTE, 24 March 1848.
188. PILOT, 30 March 1848.
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190. PILOT, 30 March 1848.
191. MONTREAL GAZETTE, 24 March 1848.
192. PILOT, 30 March 1848.
193. MONTREAL GAZETTE, 24 March 1848.
194. PILOT, 30 March 1848.
195. MONTREAL GAZETTE, 24 March 1848.
196. PILOT, 30 March 1848.
197. MONTREAL GAZETTE, 24 March 1848.
198. PILOT, 30 March 1848.
199. MONTREAL GAZETTE, 24 March 1848.
200. PILOT, 30 March 1848.
201. MONTREAL TRANSCRIPT, 23 March 1848, reported: "at a late hour".

WEDNESDAY, 22 MARCH 1848.

3 O'Clock, A.M.

(71)

Leave of
absence.

ORDERED, That Mr. M'Connell have leave to absent himself from this House during the remainder of the present Session, on urgent private business.

Contingencies
of the Session.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of the Speaker of this House, for the sum of Five thousand pounds, to enable him to defray certain Contingencies of the Session, already voted, and to be provided for in a Bill of appropriation to be passed in the present Session.

Ordered, That Mr. Christie, Mr. DeWitt, Mr. Notman, and the Honorable Mr. Badgley, do present the said Address to His Excellency the Governor General.

On motion of Mr. Christie, seconded by Mr. DeWitt,

Sessional
Allowance and
Mileage to
Members.

Resolved, That the Sessional allowance to Members, for the present Session, be Fifty pounds, to those who have not been absent without leave for more than twenty days; and mileage at the rate of ten shillings for twenty miles, in coming to Parliament, and the same in returning home.¹

MR. DRUMMOND² announced that a message had been sent down from His Excellency the Governor General stating His Excellency's intention to prorogue Parliament this day, at half-past three o'clock.³

(71)

Mr. Speaker communicated to the House the following Letter:--

Government House,
Montreal, 22nd March, 1848.

His Excellency
intends to pro-
rogate the
Legislature.

Sir,

I am commanded by the Governor General to inform you, that it is His Excellency's intention, should the state of the public business permit, to prorogue the Provincial Legislature, to-morrow, at half-past three o'clock.

I have the honor to be,

Sir,

Yours most obedient humble servant,

T. Edmund Campbell,
Major.

The Honorable The Speaker
of the Legislative Assembly,
&c. &c. &c.

Petition
brought up.

Mr. Meyers brought up the Petition of the Municipal Council of the District of Newcastle, praying that both sections of the Province may be placed upon the same footing with respect to the payment of the expenses of the Administration of Justice; and laid the same upon the table.

Supply Bill.

An engrossed Bill to grant a certain sum to Her Majesty for defraying certain Expenses of the Civil Government, for the year one thousand eight hundred and forty-eight, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

Debentures
Bill.

An engrossed Bill for raising, on the credit of the Consolidated Revenue Fund, a sum of money required for the Public Service, was read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. M. Lamothe, Mayor, on behalf of the Municipal Council of the County of Richelieu; praying that the place of meeting of the said Council may be changed from the Parish of St. Denis to the Parish of St. Ours.

Of F. Tremblay and others, of Baie St. Paul; praying indemnification for expenses incurred by them as Contractors on the Road known as Le Chemin des Caps, between the Parishes of St. Joachim and Baie St. Paul.

Of N. Tétu and others, of the Parish of Trois Pistoles; praying aid to complete the Road from the Rivière des Trois Pistoles to Lake Temiscouata, and for the construction of wharves and landing-places below the Harbour of Quebec.

Of J. S. Damour and others, Pilots for and below the Port of Quebec; representing the dangers incident to them and their families from fever and other diseases, in consequence of their detention on vessels at Quarantine, and praying relief.

Of Richard Martin, President, and others, on behalf of the Agricultural Society of the County of Haldimand; praying that the said County may enjoy the same privileges as Agricultural Districts.

Of William Baker and others, Trustees of the Dunham High School; praying the usual aid in support of that Institution.

MR. MORIN⁴ ... retired for a short interval, and, on resuming the Chair, stated that it had been intimated to him, that the committee on the Cornwall election was in sitting, at a quarter to 7 o'clock.⁵

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Cornwall
Election.

The House being informed that the Select Committee appointed to try the merits of the Petition complaining of an undue Election and Return for the Town of Cornwall, was sitting;

The Honorable Mr. Sherwood moved, seconded by the Honorable Mr. Badgley, and the Question being put, That the Members of the said Committee be requested to attend in their places in this House, with a view of proceeding with the business of the House.

The House divided; and the names being called for, they were taken down; as follow:--

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YEAS.

Messieurs Badgley, Christie, Crusler, Cuthbert, Laurin, Sir Allan N. MacNab, Mallock, M'Lean, Meyers, Robinson, Sherwood of TORONTO, and Webster.--(12.)

NAYS.

Messieurs Beaubien, Bouthillier, Cauchon, Chabot, DeWitt, Fortier, Fournier, Fourquin, Guillet, Holmes, Jobin, Laterrière, Lyon, M'Farland, Morrison, Nelson, Notman, Papineau, Scott of BYTOWN, Smith of DURHAM, Smith of WENTWORTH, Thompson, and Wetenhall. (23.)

So it passed in the Negative.

Mr. Speaker then left the Chair.

And when the said Committee had returned to the House,

Mr. Speaker resumed the Chair.

Message from
the Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment, viz:--

Expiring Laws
Bill.

Bill intituled, "An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes:"

Debentures
Bill.

Bill, intituled, "An Act for raising, on the credit of the Consolidated Revenue Fund, a sum of money required for the Public Service:"

Supply Bill.

Bill, intituled, "An Act to grant a certain sum to Her Majesty for defraying certain Expenses of the Civil Government, for the year one thousand eight hundred and forty eight:" And also,

Montreal In-
corporation
Bill.

The Legislative Council have passed the Bill, intituled, "An Act to amend the Laws relating to the Incorporation of the City of Montreal," with an Amendment, to which they desire the concurrence of this House.

And then he withdrew.

Railways and
Telegraph
Lines.

Sir Allan N. MacNab, from the Standing Committee on Railways and Telegraph Lines, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table; and is as

followeth:--

Your Committee have directed their anxious attention to the subject of Railway extension through Canada--a subject whose importance cannot be overrated, and in favor of which the public voice has conclusively declared itself. That Railways are of the greatest assistance in developing the resources of a country, both agricultural and commercial, has been too fully established in Great Britain and the United States, to require discussion. This Province is naturally well adapted for the construction of Railways, and would be benefitted by them in an equal, if not greater, degree than any other country. With great facilities for foreign and internal commerce during the summer season, by means of its magnificent chain of water communication, Canada labors under great disadvantages from the complete cessation of business, and exclusion from the markets of Europe during its long winters.

These disadvantages can only be overcome by a well-arranged and comprehensive system of Railroads, which would allow of an active and uninterrupted trade, both foreign and domestic, being carried on for the whole year, and in that respect would put it upon a par with the neighbouring States.

The three great lines of Railway which at present press themselves on the public attention, as being of primary importance, and connected with the general prosperity of the Province, are:

1st. The line extending from Quebec westward along the north shores of the River St. Lawrence and Lake Ontario to Toronto, from that City to Hamilton, and from thence along the Great Western Railway to Windsor, opposite Detroit in the State of Michigan.

2nd. The Railroad projected, and now in progress of construction, from the St. Lawrence, opposite Montreal, to the Province Line, and there to be connected with another Road, also in progress, running to the City of Portland in the State of Maine, and on the Atlantic seaboard.

3rd. The Railway connecting the Cities of Halifax and Quebec, and passing through the Provinces of Nova Scotia and New Brunswick.

There are several other lines of Railroad proposed, all of great utility to their respective localities; but the Committee have not taken them into consideration, as they are generally of a limited extent, and may be safely left to private enterprise.

The first line naturally divides itself into five Sections.

Beginning at Quebec, the first Section will terminate at Montreal, a distance of about 180 miles. No Charter has yet been obtained for this portion of the line, nor any steps taken to obtain one. The St. Lawrence and Atlantic Railroad Company propose to run their Road through the Eastern Townships for seventy miles, to Melbourne, on a course towards Quebec. It remains yet to be settled whether it would be preferable to extend this Road to Quebec, or to construct a separate one on the north bank of the River. No surveys having been made of this section, the

probable expense cannot be estimated.

The second Section, from Montreal to Kingston, a distance of 180 miles, is another necessary link in the great chain of Railway communication.

A Charter was obtained for it in 1845, but the Company has not yet organized itself, nor have any surveys or estimates been made. A Railway has been finished from Montreal to Lachine under a separate Charter. By their Charter, this Company are bound to transfer their Railroad, on certain specified terms, to any other Company who will extend it onwards towards Kingston, and shall have bonâ fide expended the sum of £100,000 on such extension. This Section, connecting as it does, the great chain of Lakes with the chief commercial City of Canada, and with the Atlantic navigation, will undoubtedly command a large and lucrative trade. It will probably, in a few years, be intersected by a Railway running from Bytown to Prescott, and connecting the Ottawa and St. Lawrence. The Ogdensburg Railroad, with its terminus opposite Prescott, will also contribute to increase its trade.

The third Section extends from Kingston, 165 miles along Lake Ontario, to Toronto. A charter has been obtained for this Road, and a preliminary survey made, estimating the probable cost of the work at £865,000. The prospects and advantages of this Road are stated at length in the Prospectus of their Company, and the Report of their Engineer published in 1846. It will be connected at Kingston, with "The Rome, Watertown, and Cape Vincent Railroad," in the State of New York, by means of Steam Ferries over the St. Lawrence, and a short Railroad of seven miles across Wolfe Island. A complete Railway communication will thus be established between Kingston and the Atlantic Cities of Boston and New York.

Active exertions are now being made by the Port Hope and Peterborough Railroad Company, to commence their undertaking, which will intersect the main Road at Port Hope, and pour into it the large and increasing trade of the Newcastle and Colborne Districts.

A Charter has also been granted for the fourth Section, connecting Toronto with Hamilton. The length of this portion of the line is about 40 miles; but its construction has not been begun, nor have the Company

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as yet made any preparations for that purpose.

The fifth and last Section has been for some years before the public, as "The Great Western Railway."

This great undertaking cannot be better described than by the following extracts from the able and elaborate Report of Mr. C. B. Stuart, the Chief Engineer, of the 1st September last:--

"The Stockholders of this Company control the destiny, and may appropriate the profits of a line of Railway, 228 miles long, under a liberal Charter, with a right to exact Toll without legal restriction, to make various important branches running through a district of country highly favoured by nature, and occupying a site, which for attainment of speed, and the future economy of working, is unsurpassed in this country or Europe. Commencing on the west, at the head of Lake Erie, where daily Steamers connect it with all the shores of the great Upper

Lakes, and the fertile lands of the Northwestern States, and a Railway now nearly finished, completes the line through the heart of Michigan, touching on its route, and by its tributaries, at convenient Ports on Lakes St. Clair, Huron, and Ontario, and terminating in the east on Niagara River, where two Railways and a noble Canal form its continuation to New York and Boston; and Lake Ontario and the St. Lawrence furnish an independent channel to Montreal and Quebec. This work seems destined to absorb the traffic of a wider region than often falls to the share of any single enterprise."

Again Mr. Stuart says:--"It is a work running through the Western Peninsula of Canada, which depends for its support--

1st. On the trade and travel of the St. Lawrence and Lake Ontario, brought from the east by numerous steamers to the mouth of the Niagara River, and to the City of Hamilton at the head of the Lake.

2nd. On that of the State of New York, brought by the Erie Canal to the foot of Lake Erie and Niagara River, near the Falls.

3rd. On that brought by existing Railways from the Cities of New York and Boston, and the other ports of the New England States, through the centre of New York, to Buffalo and Niagara Falls, destined for Michigan and the North Western States.

4th. On the traffic and travel brought by steamboats from Lakes Michigan, Superior, and Huron, to the western termini of your Road.

5th. On the trade and travel of the States of Michigan, Illinois, and the Mississippi Valley, brought to the same point by the Michigan Central Railway, soon to be completed to Lake Michigan, opposite Chicago.

"These are the great contributors to the support of your work--the lines already in activity, which diverge from its extremities towards the east and west--quite independent of the wealth and resources of the immediate district traversed by the improvement itself, by far the most populous and fertile portions of Canada West, which this line must control, without rival, or the probability of future rivalry.

Ample Surveys which have extended over every route, offering any pretension to authorize its exploration, have led to the conclusion that there is no appropriate ground on which to place a competitor on either side of that which has been recommended for your adoption."

The main trunk line of the Great Western Railway extends from Hamilton to Windsor, a distance of nearly 186 miles, and will cost, according to the Engineer's estimate, the sum of £989,853.

A branch from this main line runs from Hamilton, 42 miles, to the Niagara River, at the estimated expense of £248,767. Another branch extends to Port Sarnia, at the foot of Lake Huron. This branch is about 50 miles long, and will cost £166,410, making the total estimated expense of the Great Western Railway and Branches, £1,404,930.

It appears from the petition of the Company to the Legislative Assembly, presented to this House during the present Session, and referred to the Committee, that the Capital Stock of the Company is £1,500,000, divided into 60,000 Shares of £25 each; of those Shares, 20,725 are held in England, on 10,000 of which five per cent, has been paid in, and on the remaining 10,725, five shillings sterling per Share has been paid

in; that 5000 Shares are also held in this Province, on which five per cent has been paid; that the amount taken by the Contractors will be about 8,847 Shares, making in the aggregate, 34,572 Shares. It also appears by this memorial, that the right of way for the most part has been acquired by the Company; that spacious depot grounds have also been secured at Windsor, Chatham, Lobo, London, Ingersoll, Woodstock, Paris, Dundas, Hamilton, Grimsby, St. Catharines, and Niagara River; that the portions of the line from Hamilton to Niagara, and from London to Windsor, have been placed under contract at rates under the estimate of the Engineer; and that the Contractors take, in payment, one-fourth of the amount of their contracts in the Capital Stock of the Company at par; that a commencement has been made on both these Sections; that the Section in the City of Hamilton has also been contracted for at a price below the Engineer's estimate, taking one-fourth in Stock as part payment,--which work has also been commenced; that a Company is now formed who will take the residue of the line from Hamilton to London on similar terms, and at the estimate of the Engineer,--thus placing the entire line under contract to responsible Contractors, for a sum not exceeding the estimated expense.

The Company have already expended about Fifteen thousand pounds, and are vigorously prosecuting the work as fast as their limited means will allow.

The second great line is that known as "The St. Lawrence and Atlantic Railroad." The whole distance from Montreal to Portland, the two termini of the Railway, is 280 miles, of which 130 lie in Canada, and the remaining 150 in the United States. Two Incorporated Companies--one American, "The Atlantic and St. Lawrence," and the other Canadian, "The St. Lawrence and Atlantic Railroads"--have undertaken to complete this line. Though quite unconnected as to stock, liabilities, and profits, and in every respect independent, these Companies have a common object and similar interests--act in perfect unison with each other. The cost of construction of the Joint Line is estimated £1,750,000; and that of the Canadian Section at £825,000.

The advantages of this line are thus described by Mr. A. C. Morton, the intelligent Engineer of the Railway:--"With reference to your Road as a great thoroughfare, it occupies a most remarkable position, connecting as it does the St. Lawrence and the Atlantic, at a point where the New England Coast approaches nearest to the Western Waters; and having a large and populous city at either terminus, with capacious harbours, and a rich intervening country, it cannot fail to be one of the most important and profitable Roads yet commenced. From its peculiar position, it never can be subject to competition. It is the shortest and cheapest channel through which the travel and trade of the Provinces can reach the seaboard. With a long line of natural and artificial communication, connecting Montreal with the Western Waters and the far West, it cannot be doubted that the completion of this last link will change entirely the channel of trade, open new resources, and add vastly to the business of the Public Works of the Province, and to the wealth and enterprize of the country through which it passes. To the City of

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Montreal, it is of vital importance; situated as she will be, at the foot of this long line of communication on the one hand, and within ten hours ride of one of the best harbours of the Atlantic coast on the other, she must unavoidably receive large accessions to her trade and commerce, and a vast increase of wealth."

The Capital Stock of the Company is £600,000, divided into 12,000 shares of £50 each. Of this Stock, 4083 shares have been subscribed in Canada, 750 shares more will be absorbed in the contracts for the portion of the Road under construction, and 700 shares remain on the list subscribed in Great Britain, making a total of 5493 shares, and forming a capital of £274,650. Vide Annual Report, 1847.

It appears from the Last Annual Report of the Directors, of the 19th January, 1848, that the right of way for the first thirty miles, has been adjusted with 304 of the landowners. The first division of the work, lying between the St. Lawrence and Richelieu Rivers, a distance of sixteen miles, is in progress, and expected to be finished in August next. From the Richelieu to St. Hyacinthe the grading is in a state of much forwardness, and the bridge over the Richelieu nearly completed. The total amount of expenditure by the Company, to 1st November last, was £82,511 13s. 9d.

The prosperity of that part of the Province through which this Road will pass, has hitherto been greatly retarded from the want of water communication with its chief market, Montreal, and the consequent great expense of land carriage over the ordinary country roads. This disadvantage will be overcome by the Railroad, which will, at all seasons, give the inhabitants of the neighbouring Counties, a speedy, safe, and cheap means of access to market. The route as surveyed passes through the Counties of Chambly, part of Verchères, Rouville, St. Hyacinthe, Shefford, Sherbrooke, and Stanstead, and in the vicinity of Richelieu and Drummond, all of which Counties will be materially benefitted by the construction of the Railway; and it may be stated with confidence that at least 140,000 inhabitants of the Province will be directly benefitted by this undertaking, without any reference to its favorable bearing on the interests of the Province at large. Vide Statistical Statement submitted to Parliament in 1844.

The third and last great line of Railway is that connecting Halifax and Quebec, and passing through Nova Scotia and New Brunswick.

Your Committee are happy to learn, from the Speech from the Throne at the beginning of the Session, that the Engineers to whom was entrusted the survey of this important route, have discovered a good and practicable line of Road.

The Province may therefore expect that the Imperial Government will, ere long, take this great national undertaking into its most favorable consideration. Your Committee have no data on which to form a satisfactory opinion as to the probable cost or profits of the line.

The expense has been variously estimated from three and a-half to five millions. To this Province it will be of immediate benefit, as securing an access to the Ocean, and the means of communication with the Mother Country at all seasons of the year, without being liable to

the inconveniences which arise from the passing through a Foreign Country, and will especially ensure us the regular and uninterrupted passage of the Mails to and from Europe with as much expedition as by the route through the United States, and without the annoyances lately suffered from the Postal differences between that country and Great Britain.

Our Sister Colonies will participate in these advantages, and the Road will be in a greater degree beneficial to them, as passing through the settled parts of their country, and giving them a large and lucrative way business. Convinced of this, Nova Scotia and New Brunswick have entered upon the project with great vigour and enthusiasm.

To Imperial interests this Road is of paramount importance, as affording the only sure Military communication with Canada during the winter months, and as the means of employing and settling a large number of the surplus labouring population of the Empire. The magnitude of this undertaking is such, that the united action of the three Provinces, aided by the Mother Country, will be required in order to carry it through. And Your Committee can now only say with respect to it, that they are well assured that Canada will meet the views of the other Provinces in the most liberal spirit, and will heartily concur in such measures as may be jointly agreed upon.

With respect to the two first lines of Railway, which may be considered as exclusively Canadian; Your Committee fear that, from the cost of their construction, and the want of capital in the Province, they cannot, within any definite period, be completed by private enterprise.

It may also be considered as certain that the large amount of capital required for the unfinished and projected Railways in Europe, and the present depression in the money market in England, will prevent British Capitalists from investing their monies in such distant enterprises, on the credit of the Works alone, however favorable may be the prospects of a profitable return.

Unless, therefore, some assistance is afforded by the Provincial Government, Your Committee are apprehensive that the completion of these Works will be postponed to an indefinite period, and that the Province must submit to see itself fall behind the rest of the world in the great march of improvement; and with all its natural advantages, to sink into a hopeless inferiority in comparison with the neighbouring States.

The Great Western and the St. Lawrence and Atlantic Railways are both applicants for aid from the Province, and should the Government think themselves justified in entertaining the proposition at all, Your Committee would respectfully recommend that such aid should, in the first place, be granted to these two Railroads, as being now in actual progress. The remainder of the great line from Quebec to Hamilton might afterwards be assisted as circumstances would permit; and Your Committee are of opinion that the success of the two Railways above mentioned, when finished, will be so decided as to induce Capitalists, by degrees, to undertake the whole line.

Three modes by which the Provincial Government might assist these Companies are suggested by the Directors of the Great Western Railroad. 1st. By a direct loan on the security of the Road and Property. 2nd. By taking stock to a specified amount; and, 3rd. By guaranteeing six per

cent, interest to any Capitalists taking the Stock and completing the Works.

Your Committee are fully impressed with the conviction that these Railroads can only be completed by the hearty concurrence of the Government, and that such concurrence must be regulated by a prudent regard to the state of the Finances of the Province, and the preservation of the Public Credit.

It is not therefore the desire of Your Committee, nor is it within their province, to do more than invite the serious attention of the Legislature and Government to these propositions, and to submit them for their most favorable consideration.

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Whenever the Government may feel themselves justified to take up the subject, with a view to grant the assistance prayed for, Your Committee are of opinion that the guaranteeing of the legal interest to Capitalists will be found the least objectional mode.

Increasing the debt of the Province by a large loan may have a prejudicial effect on the Public Credit; and the objections to the Province becoming a Stockholder in these works, in connection with private Capitalists, are also obvious.

It would appear from the applications of the two Companies, that a million of money, in addition to their present funds, would enable them to finish their undertaking; and that were the Government to guarantee the interest on that amount, the Stock so guaranteed could readily be disposed of at par.

It is confidently expected that these two Railroads will, when completed, return an ample revenue; and that the Province will never be called upon to advance a farthing on their guarantee.

But looking at the subject in its worst point of view, even if the Railroads, or either of them, did not for the first few years meet the whole interest on the amount guaranteed, the Province would only be liable for the deficiency, Your Committee are decidedly of opinion, that under no circumstances could such deficiency exceed three per cent of the interest; and in such case the whole amount of the annual liability of the Province would not be more than £30,000,--a sum of no importance when compared with the great objects attained.

Your Committee, in conclusion, beg leave to call the attention of the Legislature to the able and satisfactory letter of Mr. Lot Clark, of New York, of the 1st March, 1848, to Sir Allan N. MacNab, the President of the Great Western Railroad Company, hereunto annexed, shewing to what extent and in what manner similar enterprizes have been aided by the States of the neighbouring Union.

New York, March 1st, 1848.

To Sir Allan MacNab,

President of the Great Western Railroad.

SIR,--In reply to the inquiries:

1. Whether it would be beneficial to the Company to apply for, and receive a loan through the aid of Government, to assist in the construction

of your work, with reference to the value of the Stock?

2. Whether in my opinion such aid could be afforded by the Government, consistently with the public interest and the exercise of its proper functions?

3. Whether similar aid had been afforded in the United States, and if so, what had been its effects upon the public interest?

I would state that the answer to the first inquiry must depend on the expense of construction, and the amount of business which would probably be done on the road to be constructed. For the purpose of satisfying myself on these points, I have carefully examined the Report of Major Stuart to the Board of Directors of your Company, dated 1st September, 1847, which has been furnished me. I have scrutinized the Survey reported on, as the only means in my power to ascertain the probable expense of its construction. It seems to me to have been made with much care, and the estimates for the expense appear fair, and the allowance for contingencies quite liberal. From these, and my knowledge of the country over which it is located, I have but little doubt that it can be completed within the estimate, from Niagara River to Detroit, to wit, £1,238,520, Halifax currency, or 4,954,080 dollars.

I have also examined the statistics in that Report, and compared them with statistics in my possession, such as the trade and navigation of the Lakes, the Canals, the arrivals and departure and tonnage of the several ports, and the Railroad and Steamboat passenger traffic, &c. It seems to me that Major Stuart is fully sustained by them in his estimates of business and profits. Indeed, I shall be very much mistaken if the profits he anticipates are not more than realized, if the work shall be successfully completed and prudently managed.

It has been our experience in all improvements, and channels of business and traffic connected with the Western Country and the Lakes, that they have far outstripped the most sanguine anticipations. This has been strikingly illustrated in the case of the Erie Canal and the line of Western Railways.

It may not be improper here to remark, that I regard Major Stuart's Report as the most able document of the kind that has fallen under my observation in a long time. No one can rise from its perusal without feeling a conviction of its reliable character.

If I am right, then, in my conclusion thus drawn,--that the work can be constructed within the estimate, and that the profits will be as large as contemplated, a loan contracted with or without the aid of Government, at a reasonable interest, much below the per-centage of profits, for a period of considerable duration, it would follow that such a loan of a portion of the capital for constructing the Road, would make the Stock much more valuable to the holders, because the excess beyond the interest would go to swell the dividends as much as the profits should exceed the interest, or be applied as a sinking fund to diminish every year and finally extinguish the principal of the loan.

The second question is not as easy of demonstration, because it depends on more complicated circumstances, some of which are not connected with the immediate work before us.

It may safely be adopted as our axiom, that all Governments are or

should be administered with reference to the general interests of their constituents, and that no departure from this general rule should be tolerated, except where the favouring of a local or particular interest will in no material degree prejudice the whole or any of the other parts.

It would not therefore be right for Government to furnish capital for a sectional road or private improvement, without a reasonable prospect and security for its indemnity; because the application of it would not be universal, but the money would come from a common fund in which all would be interested.

It might be adopted as another safe axiom, that wherever it can be done without injury or probable injury to the whole or its other parts, Government should lend its aid to advance the interest and prosperity of any class or section of its people. And in ratio to the extent and magnitude of the benefit, is the obligation imperative to put forth a helping hand. In deciding then on the answer to the second question, we must be governed by the foregoing rules. I do not think this Railway can be presented as one that will so universally embrace the interest of the people of the Province, as to warrant the Government in embarking in a loan without at least a fair prospect of indemnity; but it is nevertheless a work of very extensive interest; as much so at least to your people, as was the Erie Canal to the people of the State of New York, and as large a proportion of them would participate in its benefits, as did the people of the States in the benefit of the Canal.

It connects Lake Ontario by a direct line with the Upper Lakes. It forms a base line where nearly all the people of Canada West, and with other and cheap communications, connect. It is a part of a line of Railways that will soon be made, passing through the interior to the Atlantic, and will be a portion of the outlet from the whole region of the Upper Lakes

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to the sea; and is a short connecting link between waters following the St. Lawrence to the Atlantic, and ascending Detroit River to the head of Lake Superior, in all following a demarcation of 2,000 miles through and along the Province. It gives your people the carrying business and traffic, and makes your country the transit between five Western States, and seven Eastern States of the Union. This must be a source of great profit and advantage to your people, and may become a source of revenue to your Government. In every point of view it is clear, that your Road embraces an interest general enough to command the attention and patronage of Government, at least so far as will be compatible with general interests. This brings me to enquire whether the Government can, with safety to its own interest as such, lend you the benefit of its security.

In the first place, all the interest in the Road will be pledged for the payment of the loan, and unless that pays more than enough to pay the interest, nothing will go to the Stockholders; they get no dividends. I am not informed as to the amount of the contemplated loan, but I will assume it to be one half of the estimated expense of the work, as I understand the other half is already subscribed. Interest on this sum, say at 5 per cent, would be £31,250 currency, or \$125,000 yearly. To endanger the safety of this loan, then, the profits of the Road must amount to less than this sum, or about 2½ per cent on the outlay. The Utica Railroad from Buffalo East

parallel with Lake Ontario and the Erie Canal, with which it has had to compete without materially shortening the distance, has averaged over 15 per cent profits yearly since its construction, and the last year has netted about 20 per cent. The Central Railway of Michigan completed only 144 miles, and terminating in a wilderness, running from Detroit West, netted last year 14 per cent. These Railways are mentioned because they are at the termination of your Road east and west of it, and furnish more approximate data to ascertain the profits of your Road than any other; but they do not in my opinion furnish or possess the advantage for profits that your does; because yours from Hamilton to Detroit, 166 miles, will be without a competitor. It will shorten the distance of all the travel up and down the Lakes more than one third, and shorten the time two-thirds, besides giving a safer and more agreeable passage. It would appear from these facts that the Government can lend you the aid of their credit without any public injury, or the most remote hazard of loss, and if I am right in this, they can fulfil a duty, render an incalculable benefit to a very great proportion, and probably a majority, of their constituents.

That it is one of the proper functions of Government thus indirectly to aid the people in the improvement of the country, seems to me to be a settled question, if indeed it ever was a question.

It is done extensively in England and France; indeed, in various forms, all over Europe, and in nearly all the States in the Union, and by the General Government of the Union.

Should it be objected that it would be unsafe, even with such ample security, to advance the Public Credit, because the Corporation may so mismanage its concerns that the Road will not produce enough to indemnify the Government, I answer that the whole Road lies within the Province, and will be under their eye and control, and they have the power in their own hands. If the agents mismanage the concerns of the Road, they can check or remove them, and take the Road under their own control whenever the Government is put in jeopardy by such mismanagement, and thus secure the faithful payment of the loan.

In reference to the third question, whether "such aid has been granted to Companies by the States, and with what effect?" I answer, that the State of Massachusetts has guaranteed to Railroad Companies upwards of eight millions of dollars, which has enabled them to carry the means of transportation to nearly every section of the State, and to penetrate other States also, and thus to draw their commerce to their own State. These roads, it is believed, have doubled the valuation of the land in that State, and probably more than doubled their commercial business, and the State has never had a dollar of the interest to pay, and seems in no manner of danger of ever being obliged to pay any.

The State of New York, about nineteen years ago, loaned to the Hudson and Delaware Canal Company, by an issue of debentures, 793,000 dollars, which enabled them to complete their works. They have always paid their interest punctually, have reduced of the principal about half, and have a surplus on hand sufficient to pay the remainder. This Canal has been of very great benefit to the section of country within the reach of its influence, has made heavy dividends to the Stockholders, and the Stock is now worth over 150 per cent in market.

The State has since made similar loans of credit to the Auburn and Syracuse Railroad Company, the Auburn and Rochester Railroad Company, the Tonawanda Railroad, the Long Island Railroad, and the Schenectady and Troy Railroad Company, all of which have punctually paid their interest and provided sinking funds for the principal, and nearly all of them made large dividends to the Stockholders. No well grounded fears exist that the State will every meet with any loss by them, and these Works too have increased the business and enhanced the value of property within their influence, to an unknown extent. The only Corporations by which the State has suffered by becoming security, are the Canajoharie and Catskill Railroad Company, the New York and Erie Railroad Company, the Utica and Oswego, and the Hudson and Berkshire Railroad Company.

The two first failed because the amount of Stock subscribed, and the loans guaranteed by the Government, were not more than one-fourth sufficient to complete the Roads, and when this was extended the Roads were only just begun and unproductive, and being a doubtful Stock, they could raise no more money to complete them. The two latter Roads were located where there was neither travel nor business, and the income scarcely enough to support the Roads. Yet it is believed the Government will yet be indemnified for the loan to the Berkshire and Hudson Company by a sale of the Road. All these unfortunate loans were made at a time of great expansion of currency and commerce, when the nominal value of real estate was every where swollen, and the public excited by these fictitious prices almost to mania. The Government partook of this excitement to a dangerous extent. In short they were most improvident guarantees, and a little prescience ought to have foretold the disastrous issue.

No inference unfavourable to Government guarantees for internal improvements can be drawn from the failure of the loans to these four Roads, any more than would an improvident loan to an insolvent individual, where the mortgaged property was without value, and a defective title given, be evidence against a provident loan with good security and perfect title.

I would not advise that Government should lightly or without most satisfactory evidence of safety, loan its credit to a Company. Nor would I think it advisable, even in cases otherwise holding out strong assurance of indemnity, to loan more than half the amount of the Capital. It appears to me, too, that the Government should require, in all cases, that there should be an annual sinking fund to be applied to a reduction of

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the principal. Where one half of the capital is furnished by Stockholders, their willingness to invest and give the loan a preference and make their own holden for it, furnishes one very notable item of information to the Government in determining the safety of the loan.

The State of Maryland has loaned about four millions of dollars to the Chesapeake and Ohio Railroad Company. This road is completed to the Cumberland Mountains, is carrying on an extensive traffic, and saving the Government harmless.

Its benefits to Maryland are beyond calculation. Recently the State of Tennessee, which is nearly free from debt, and in this respect deemed very prudent and cautious, has loaned its credit to a Railroad Company for

\$800,000. Indeed it has; indeed it is practiced by most of the States of the Union in a greater or less degree, and where reasonable caution has been used, always, so far as I have learned, with excellent effects.

Some of the new States in the south-west parts of the Union, anxious to afford extensive commercial facilities, to force their business into competition with older and more commercial neighbouring States, have lent their credit to Banks, and in some cases to Banks connected with Railroads. Such loans have generally proved failures, and involved the States. The States of this kind are, Alabama, Mississippi, and Arkansas; each of these has entailed upon itself a heavy, cumbrous, and in some cases a repudiated debt. The other States that have brought upon themselves burthensome debts are, Pennsylvania, Indiana, Illinois, and Michigan. But none of the debts of these States were incurred by lending their credit to Corporations. They undertook to make their improvements directly by the Government, and not by encouraging individual enterprise. None of them, that I am aware, became surety for any Company, except Michigan in one single case, which was carried through successfully, and the Government saved harmless.

I have thus, Sir, given you my views on this subject, and have avoided, as far as I was able, all matters foreign to the matter in hand. I am under an impression that your Road promises more accommodation and better profits than any unconstructed work now before the public, within my knowledge.

I am, with great respect,
Your obedient servant,
(Signed,) Lot Clark.

SIR A. MACNAB ... moved that one thousand copies be printed, one half in French and the other half in English⁶.

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Ordered, That five hundred copies of the said Report be printed in each of the English and French languages, for the use of the Members of this House.

MR. DRUMMOND, in the course of a conversation on the subject, said, that a reduction in the rates of postage were under the consideration of the Executive.⁷

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On motion of Mr. Holmes, seconded by Mr. Morrison,

Montreal In-
corporation
Bill.

Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act to amend the Laws relating to the Incorporation of the City of Montreal," be now taken into consideration.

The House proceeded accordingly to take the said Amendment into consideration.

And the Amendment was read; and is as followeth:--

Press 3, line 4. After the word "pleaded," insert Clause (A.)
Clause (A.) "And be it enacted, that this Act shall continue in force for two years; and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer."

The said Amendment being read a second time, was agreed to.

Ordered, That Mr. Holmes do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendment.

Answer to an Address.

Mr. DeWitt, accompanied by the other Messengers, reported to the House, that their Address of yesterday, to His Excellency the Governor General, praying that he will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Nine thousand five hundred and sixty-four pounds currency, towards defraying the Contingencies of this House and assuring His Excellency that this House will make good the same, had been presented to His Excellency; and that he had been pleased to say that he will comply with the Address of this House.

Assessment Rolls, (U.C.).

Mr. Drummond presented, pursuant to the directions of an Act of the Provincial Parliament of the late Province of Upper Canada--Assessment Rolls for thirteen Districts of that part of Canada heretofore Upper Canada, and for the City of Toronto, for the year 1847.

Appendix (V.).

For the said Assessment Rolls, see Appendix (V.)

Stormont Election.

According to Order, Lewis T. Drummond, Esquire, Member for the County of Shefford, who was absent, yesterday, from the Select Committee appointed to try the merits of the Petition complaining of an Election and Return for the County of Stormont, attended in his place; and, having given satisfactory reasons for his not being present at the meeting of that Committee, yesterday; and having verified the same upon oath;

Ordered, That Mr. Drummond be excused for not attending the Committee yesterday.

Oxford Election.

The House proceeded to take into further consideration the case of John George Vansittart, Esquire, Returning Officer at the last Election for the County of Oxford.⁸

MR. NOTMAN moved that Mr. Vansittart be summoned to the Bar.⁹

This was opposed by SIR A. MACNAB¹⁰.

The motion was withdrawn by MR. NOTMAN.¹¹

And the Order of the day⁽⁷⁷⁾ for the attendance of George Brown, Esquire, as a witness, touching the matter of complaint against the said John George Vansittart, Esquire, being read;

And the House being informed, that George Brown attended at the door,

MR. NOTMAN ... then moved that George Brown, Esq., should be ordered to attend to the evidence in the matter of the Oxford Election.¹²

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he was called in; and, at the bar, examined, as followeth:--

By Mr. Notman,

1. Were you present at the nomination of the Oxford Election, in December last, as agent for the Honorable Francis Hincks?--I was.

2. Was Mr. Hincks' Qualification demanded; and to whom did you hand it?--It was demanded; and I handed it to the Returning Officer.

3. Did the Returning Officer make any remark thereupon: say what took place?--When I handed it to Mr. Vansittart, Mr. Carroll and one or two other gentlemen came forward, and inspected the contents of the Qualification very eagerly, and some one remarked, "just as we thought." Mr. Vansittart then sat down in his chair, and Mr. Carroll sat down beside him, and a whispered conversation took place between them for some minutes. I observed them for some minutes, and having called the attention of some of my friends to the proceeding, I said to the Returning Officer that I thought his conduct was very indecent, whispering over in that way over the Qualification of one of his opponents. Mr. Vansittart started up, and said that he had a right to talk to a private friend without interference; and he added: "At any rate I have decided the point in your favour. I shall hold Mr. Hincks' Qualification to be good for the present occasion;" and, as I understood it, he added that he would leave the other parties to have a

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decision elsewhere. I was told by a political opponent on the hustings, on the declaration day,

COL. PRINCE rose and asked what matter was it what the witness was told; that person was placed at the Bar of the house to say what he knew, not what he was told.¹³ ((He)) called upon the Speaker to restrain "that person at the Bar," that "ready and willing witness" from departing from the rules of evidence, and stating what he knew only from hearsay.¹⁴ He could tell the merciful majority opposite, if they allowed this hearsay evidence to be admitted, it would be the last degree of degradation to which the Members on his side of the house would be inclined to submit. No testimony should be received in that house not in accordance with the rules of evidence and the law of the land.¹⁵

MR. DRUMMOND had never heard a more extraordinary claim put forth than this--that they were to dictate to the witness the answers he was to give to the questions put to him. In Law Courts, if a question was put¹⁶ ((by)) Counsel¹⁷ with the intention of getting hearsay evidence, then the question might be over-ruled; but if a witness chose to give evidence that was hearsay, the Court could not stop him. And were they on that House to dictate to the witness how he should answer?¹⁸

COL. PRINCE had as much experience, and knew as much of the rules of evidence as the gentleman who had just spoken, indeed he rather thought that he (Col. P.) had forgotten more law than the hon. gentleman ever knew.¹⁹ ((He)) contended against the tyranny of the whole proceedings

in this Oxford Election case. Had the majority denied the right of the prisoner (for he was a prisoner) to be heard by Counsel in his defence?-- a course unprecedented in any Court of Justice--had they not pronounced him guilty before trial? and were they now going to allow (looking towards Mr. Brown) that "voluntary and willing" witness to tell what somebody had told him that somebody else told somebody, when nobody would be able to discover who those somebodies were? In that High Court of Parliament, on this occasion, every member sat as judge; and, like the judges in the Courts of Law, it was their duty to defend the prisoner from an illegal course of proceeding; and he called upon them to protect Mr. Vansittart, and to restrain the anxious evidence of the "voluntary and willing" witness they had before them.²⁰ He did not desire to dictate to the voluntary, willing witness at the Bar, what he should say, but he only wanted that he should be kept within the strict rules of legal evidence and restrained from saying that which was contrary to law.²¹

MR. CAUCHON (who spoke in English) contended Parliament was not bound, in receiving evidence, to follow the strict practice of the Courts.²² ((He)) though (sic) they were too much lawyers, they ought to be judges.²³ This house was not a Court of Justice, (laughter and cheers,) but a Court of Honor.²⁴ (Ironical cheers.) It was a high court of honour. Gentlemen had no business to jump and say that this or that must not be done because it is not done in a court of justice. The House was not to be guided by the same rules.²⁵

MR. NOTMAN admitted that hearsay evidence would not be received in a court of justice, but if the hon. member was to start up whenever the witness said "he heard," and stop him it would be impossible to arrive at facts. They desired to have no improper testimony taken, but the hon. member should exercise a little forbearance and allow the replies to be fairly given before he objected.²⁶ ((He)) contended, in giving their judgment, the house could dismiss from their mind all that was not relevant to the case; and that you ought not to bind down witnesses at the Bar of the house as you would in a Court of Law.²⁷

SIR A. MACNAB again complained that Mr. Vansittart had been refused to be heard by counsel.²⁸

MR. PAPINEAU defended the witness²⁹. ((He)) said that it was an unjust accusation against the House to say that they had disallowed the Returning Officer to be heard by counsel. They were to be guided in this matter by the rules of Parliament and not by the rules of a court of justice. In every case where the House had to adjudicate on a breach of its own privileges, it was the sole judge, because it alone knew in what they consisted. It cannot remit to any other power the right of deciding in such cases, and thus from necessity it was grand jury, petty jury, and judge. (Hear, hear.) They then, being the representatives of all and each of the subjects of the Province, having the desire that full justice should be done to all, might take a greater degree of freedom both in questioning and answering in the proceedings of the high court of Parliament than it was customary to permit in other courts.³⁰ He agreed with Mr. Cauchon that

Parliament was more a Court of Honor than a Court of Justice, and was not bound by any strict rules of evidence.³¹ The gentleman at the Bar might have been heard by counsel had he petitioned as he ought to have done, but he had not asked to be defended, and it might be that he wished to seek an honourable martyrdom (hear, hear;) to raise a hue and cry against the proceedings of the House, against the arbitrary proceedings of the majority. In his small locality he would acquire a degree of importance that he would not otherwise obtain, and this little notoriety might make it worthwhile not to make any defence; but let him take his course, the fault was his, for how could he tell before hand what request would be refused him? Of latter years the public had become jealous of the exercise of the privileges of Parliament. What was to be inferred from this? Not that the law of Parliament was changed, but that the convictions of the people were changed, and that they had come to the conviction that the House of Commons was no longer the defender of the people's rights, that it was too readily an instrument in the hands of power, too readily turned to the support of the Ministry of the time being. When the House of Commons was strong in the love and confidence of the people they exercised their privileges to a much greater extent than they do at present, and exercised it with good will and with good effect to check the overgrown power of the people; and during the brighter era of Parliamentary history, from the Revolution to almost the end of the reign of George the Second, they curbed the encroaching power of the House of Lords, but since then they have succumbed and are considered as too frequently upholding the Ministry, which from that time has been constantly composed of men willing to diminish the public liberty, and to increase their own prerogatives, and therefore the people have become more jealous of their privileges. It was for the House to judge whether the course they were now pursuing was promoting the public good, and if they thought that it was then they might be confident that they would be backed by the good will and confidence of the people at large in spite of the opposition of those who had first injudiciously selected these Returning Officers and then misdirected them as to their duties. He concluded by urging the consideration of this question free from all party feeling, and that the House should consent to be guided by the laws of Parliament rather than by the rules of any court of justice.³²

MR. H. SHERWOOD said the house had denied the right of the accused, or rather the condemned, to counsel, and therefore it was their duty to act the part of counsel for the defence, and not to have permitted the disgraceful scene that occurred yesterday, when Mr. Vansittart was examined; when they saw six or seven hungry lawyers, exerting all the ability they were possessed of, in an endeavour, by vexatious examination, to compel an individual to criminate himself; was it manly, was it honorable, was it just, thus to join in a sort of conspiracy against one to whom they denied the right of defence? and what should be said of a man so lost to all sense of justice, so contemptible, as to desire to convict a fellow man out of his own mouth; but, to this act of gross injustice they were now about to add another; they seemed resolved to allow their witnesses to relate what had been told; did they do so fearing that what that witness

knew would not be sufficient to justify their previous tyrannical proceedings. The house ought not, and could not, without violating the rights of the subject, receive evidence not admissible in a Court of law.³³ The House was bound by the rules of evidence, and not in the manner in which they were proceeding, which he considered to be irregular, unprecedented, and unjust.³⁴ No privileges could sanction them in so gross a disregard of the first principles of the liberty of the subject. He could not understand the attacks made on the British House of Commons, (alluding to some observations made by Mr. Papineau,) nor did he think them creditable to the party who made them. The Parliamentary history of Lower Canada was a history of the most unparalleled exercise of oppressive power, and during the reign of the hon. member opposite, the journals show a course of despotism and tyranny unworthy of any uncivilised nation. The hon. member for St. Maurice had said the house were, in themselves, grand jury petty jury, and judge; if they were so, he could only say it was a most unfortunate thing for a culprit to be brought before them, and after conviction, he supposed, they would act as executioners, and he was told they were prepared to do so in the case before the house.³⁵ It did not matter what might, or what might not be proved against Mr. Vansittart--the members opposite were determined to punish him--they had come down to the House with their resolutions cut and dry before even Mr. Vansittart appeared at the bar; and³⁶ he was told the punishment to be inflicted on that gentleman was already meted out, and that it was carefully appointed by hon. gentlemen opposite before the accused was placed at the Bar; having decided on that punishment, he little wondered that a verdict of guilty was recorded, and defence denied. The resolutions awarding the punishment have been seen by hon. members of this house, and what is proposed in them? Why, before the house had seen Mr. Vansittart, before they had heard one syllable in justification or explanation of his conduct as Returning Officer, they were prepared to propose, and, of course, if to propose, to carry, a motion that the Executive Government be asked to dismiss that gentleman from his situations³⁷ as being totally unfit to hold them.³⁸

This announcement created considerable excitement in the house³⁹.

MR. NOTMAN denied that any one had seen such resolutions.⁴⁰

MR. H. SHERWOOD said that he stated it upon the information of members who had seen the resolutions they intended to propose.⁴¹ Why, they were shown to the hon. member for Hamilton, and to the hon. member for Cornwall, before Mr. Vansittart was brought to the Bar.⁴²

MR. CAUCHON wished to know if the hon. member was authorized to make this statement.⁴³

MR. H. SHERWOOD.--Authorized? No! It was no secret; no mystery; no matter of special confidence; it was the subject of conversation before a dozen members in the lobby of the house. Yes! The prosecutors who had seats in that house, strong in their majority for good or evil, had taken their places as judges; having resolved beforehand on a verdict of guilty, and having the punishment prepared. This was the dignified course pursued by this self-elected Grand-Jury, Petty-Jury, Judges and Executioners.

He could not help pitying the subject of these most oppressive and despotic proceedings, and could not resist believing that they were commenced and carried on, not to avenge the law, but from motives of a very different character.⁴⁴

SIR A. MACNAB moved that the witness, George Brown, Esq., should not be allowed to say what he was told unless Mr. Vansittart was called to the Bar and permitted to examine him in his defence.⁴⁵

MR. MORIN ... decided the motion could not be received.⁴⁶

SIR A. MACNAB.--Did he understand the Speaker to decide that the witness might give in evidence what he was told?⁴⁷

MR. MORIN ... decided that the witness ought to keep himself as closely as possible to the questions, and be as precise and clear as possible, but that the evidence was receivable.⁴⁸

SIR A. MACNAB⁴⁹.--I wish distinctly to know if the hon. Speaker decided that the witness is allowed to give hearsay evidence?⁵⁰

MR. MORIN ... I think he is.⁵¹

SIR A. MACNAB.--Oh! You think he is?⁵²

MR. BROWN would wish to make a remark or two in reference to the insinuations thrown out by the hon.--⁵³

MR. MORIN.--The witness cannot make remarks.⁵⁴

MR. BROWN must then decline to give further evidence; for he could not allow members of this House to throw out insinuations against his character--⁵⁵

MR. MORIN advised the witness to remember the tribunal before whom he was.⁵⁶ The House have had it in their power to compel him to ... ((give evidence)), and admonished him to be careful.⁵⁷

MR. BROWN would look to the Speaker for protection from the attacks of the members of the House. The evidence he was going to give--⁵⁸

MR. MORIN (interrupting) said that it was his duty to protect the witness, and he would do it; at the same time no remarks must be made by the witness on what took place in the House.⁵⁹

SIR A. MACNAB protested against a witness being allowed to refuse to give his evidence, unless he was allowed to reply to the remarks of members of the House.⁶⁰

MR. MORIN.--Those remarks of the witness were certainly highly improper.⁶¹

MR. CAUCHON rose on a question of privilege⁶². ((He)) said that if insinuations had been thrown out by hon. members of this House, Mr. Brown would not have been called upon to defend himself. (Loud cries of "Hear, hear.") The gentlemen opposite were not contented with defending Mr. Vansittart, whom they had brought by their bad advice into the position

in which he now stood, but they must also act as partizans in interrupting the witness in giving his evidence. It should be shown in the next session, at all events, that there were some men who had acted as partizans, and been guilty of a high breach of the privileges of the House, and those men must be reached; the hon. member for Cornwall, for one, must⁶³ be brought to the Bar of the House, to answer for the breach of privilege he had committed in advising the Returning Officer.⁶⁴

SIR A. MACNAB thought it beneath any member of the House to make a charge against an hon. member not in his place.⁶⁵ ((He)) accused Mr. Cauchon of having looked all around the House to see that Mr. Cameron was not there, and then got up and charged him with having acted corruptly; and he said that they would be prepared in the next session of Parliament--to do what? To punish him. (No. no.)⁶⁶

MR. CAUCHON said no such thing. (Hear, hear.)⁶⁷

SIR A. MACNAB had no doubt the majority would take up the proposition of the hon. member for Montmorenci; perhaps ... already⁶⁸ the hon. gentleman had his resolutions all cut and dried. (Hear, hear.) He contended that it would be dangerous for any man to be tried at the bar of this House, if a witness was at liberty to tell he had heard. He denied that he had ever advised Mr. Vansittart--and it was not his intention to do so,--but he wished that he should be tried fairly and honestly for the charges brought against him. The hon. member for St. Maurice had said that this was a Court of Honour. He would like to ask the hon. gentleman, being in a Court of Honour, if it would not have been honourable to have sent a copy of those charges on which he was to be tried to Mr. Vansittart, and to allow him to be heard by Counsel? Was it honourable for five or six talented lawyers to puzzle the prisoner by all kinds of questions, and, at the same time, to refuse him Counsel at the bar? Was it honourable that Mr. Vansittart should be tried in his absence from the bar of the House? Was he there now? Was he permitted to open his mouth to object to the questions put to the witness? No, he could not do it; he had not been brought to the bar as he should have been, because then it would have been in his power to have interrupted the witness and objected to questions if he thought proper. The hon. member for St. Maurice had figured long in Parliament and elsewhere, and if he desired to protect this House as a Court of Honour, he should have seen that Mr. Vansittart was at the bar. But no, they had refused to hear Mr. Vansittart by Counsel; they refused him that advantage. Not a word was said about petitioning then; it was only after they felt that they had done wrong, and that he was entitled to be heard by Counsel,--they had looked into authorities and found that on no occasion had a Returning Officer at the bar been refused Counsel,--and now they wanted to hide themselves under the paltry screen "he did not petition." (Cheers.)⁶⁹

MR. CAUCHON.--The hon. member for Hamilton had accused him of having spoken as he had done because the hon. member for Cornwall was not in the House. This was the first time that he had ever been accused of cowardice. He had thought that Mr. Cameron was behind the Speaker's chair; but if it was thought that he was not ready to have said it in

the presence of the hon. member, he could repeat it: that if no one else would do it, he would bring the hon. member for Cornwall to the bar⁷⁰, if not this Session most certainly the next⁷¹, to answer for a high breach of the privileges of the House. (Cheers.) He cared not who was the man against whom he was to act⁷². Did the hon. member for Hamilton imagine he (Mr. Cauchon) was afraid to utter what he thought, or afraid of any man, "whether he was a powerful speaker or clever with a pistol?"⁷³ He thought that the hon. and gallant knight had no right to cast the aspersions which he had.⁷⁴

MR. PAPINEAU defended the proceedings of the House, and declared, although they appeared harsh, they were Parliamentary.⁷⁵

MR. J.S. MACDONALD (Glengarry) urged the inexpediency, at this late period of the session, of preventing the evidence being taken and the case disposed of. If they delayed in this manner Mr. Vansittart would have to be brought down again next session.⁷⁶ OR ((He)) did not wish it to go forth that he had prevented the Returning Officer from having Counsel to defend him, and agreed with the hon. member for Hamilton, although in opposition to the decision of the Speaker, that hearsay evidence could not be heard.⁷⁷

MR. CAMERON⁷⁸ who had entered the house during Mr. Papineau's speech, here rose,⁷⁹ and said, that he was not in the House just now when the hon. member for Montmorency did him the honour to make some remarks which he might have had the candour to have made when he (Mr. C.) was in his place; but as soon as he had heard the voice of the hon. gentleman, and understood⁸⁰ that he had been assailed by ... ((him)), while absent from his place,⁸¹ he had hurried here⁸² to vindicate himself from the aspersions and the charge of corruption that he understood had been made against him by that hon. and learned gentleman⁸³, and ((he had)) found the hon. member for Glengarry addressing the House. He thought that when an hon. gentleman rose in his place and charged another with corruption, it was far more likely that the corruption existed in his own breast.⁸⁴ He did not know whether that hon. member had desired to take advantage of his absence to use language towards him which he might have felt it impudent to utter in his presence, or whether he wished to shelter himself under the privilege of speech which his position in Parliament afforded him to give utterance to words which might receive a different description of answers if spoken out of doors, but he felt that the charge which had been made, and the threats with which it had been accompanied, could never be borne by any one on the floor of the House. Was he to be told that because he had given an opinion as a Counsel, that he was⁸⁵ to be charged with corruption and threatened⁸⁶ to be dragged to the Bar as a criminal; that because he was one of the Law Officers of the Crown, he had lost his right as an Advocate, and was to become forgetful of that duty⁸⁷ ((of)) giving an opinion⁸⁸, which, upon his admission to the practice of a high and honourable position, he had sworn⁸⁹ to give to every man who asked for it?

Whether they were to be charged by the hon. member for Montmorency and persons like him with being guilty of corruption for so doing⁹⁰--

Loud cheers from the Opposition.⁹¹

MR. CAMERON ((continued:))--it might be well for that honourable gentleman with the precedents that might be found in the Lower Canada Assembly,⁹² to find out that though there were precedents ... ((there)) where advocates had been found guilty of a breach of privilege for giving an opinion as he (Mr. Cameron) had done, that the House of Commons afforded none (cheers.)⁹³ If he desired to pursue that course with him, he would find that a different feeling and spirit prevailed among the Barristers of Upper Canada, which all the power of the majority, with all the tyranny they could exercise, would be unable to put down. Let that hon. gentleman move to bring him to the Bar; let him do it, not next Session, but at once; he (Mr. C.) would make any admission that might be required, give him any information that might enable him to take that step, immediately in his place upon the floor of this house; and he would soon be made aware of the course he would pursue, fearless in the expression of his opinions, as an advocate, and regardless of the censure or punishment that the house, in the plenitude of its power, might award. Let not hon. gentlemen on the other side of the house surmise that because the chances of the house⁹⁴ had given them the majority,--⁹⁵ because the benches on that side were entirely filled--because their benches were crowded with those who but required a wave of the hand from one man to decide whether they should go to the right or to the left⁹⁶, let them not suppose that they could crush the minority through fear; though few in number, they were fearless for their position, and determined to resist oppression, whether it was directed against themselves or others⁹⁷. (Cheers.) He had heard of despotic power,⁹⁸ he had read of the enforced obedience of tyranny,⁹⁹ but let it be remembered that if there was tyranny in the despotism of one man, there was a hundred-fold more tyranny in the despotism of many, because¹⁰⁰ rejoicing in their strength, they were relentless in its exercise, and, proclaiming to the world that truth and liberty were their guides, they were ready to bind chains upon the one, and trample the life out of the other.¹⁰¹ (Loud cheers.)¹⁰² It did not come well for an hon. member for Lower Canada to use the language of oppression; it did not come well from one who had often spoken, in that house, of the wrongs that his people had suffered, when in the minority, from the power of the majority, to turn upon one of the minority from Upper Canada, and threaten him with the vengeance of the majority from Lower Canada. If he had felt, and said, that those of his race had been treated almost as slaves by their masters, did he, and those with whom he acted, desire, on that account, to set their feet upon the necks of the minority from Upper Canada, and trample them into the dust.--He had heard them talk of oppression he had heard one hon. member describe how the people had been driven from passive resistance to active rebellion, by what he was pleased to term the inflictions of tyranny, and did any

honble. member think that there was no spirit of resistance in the minority,¹⁰³ (cheers)¹⁰⁴ that there was no Saxon blood in them, which would boil up with indignation at a legislative tyranny, which was unheard of elsewhere in the annals of the world.¹⁰⁵ And the hon. member for Montmorency, when he chose to charge him, (Mr. Cameron) with corruption, need not think that the privilege of Parliament so often made to fence round wrong doing, would guard him harmless, or them harmless who might stand by him on such an occasion. (Loud cheers.) The hon. member would bring him to the bar of the House next session as a criminal. For what? For doing that which in England the Attornies and Solicitors General had done--aye, and without one single word of remonstrance or complaint. (Cheers.)¹⁰⁶ Could any man who was versed in the Parliamentary or legal history of England turn to a page in either the one or the other in which proceedings had been taken against an advocate for an opinion that he had given. If they proceeded against a Returning Officer under the statutes in England, they must charge as well as prove that he had acted wilfully and maliciously¹⁰⁷. When Dunning, than whom a greater man never stood at the English bar, was Attorney General of England, did he not give an opinion to a Returning Officer? And when¹⁰⁸ in the case of Burgoyne vs. Moss ... an action ... for a false return¹⁰⁹ was brought against that Returning Officer to recover damages against him, the learned judge who tried the case and the judges who sat in judgment upon it afterwards, decided that he had obtained the opinion of one who was entitled to respect, and he was immediately allowed to go free.¹¹⁰ Did the Committee of the house charge Dunning with corruption, or threaten him with commitments for breach of privilege, although they differed from him in the opinion he had given? Had not the Attornies and Solicitors General of England given opinions in similar cases, and were they ever proceeded against as he was threatened?--¹¹¹ Hon. gentlemen might not desire to hear British precedent or British practice quoted, for they wished to set the law of Parliament above the law of the land and increase their privileges already so enormous and ill defined¹¹² by using the power of many to work the injustice and wrong to the few.¹¹³ The hon. member for Montmorency before he dared to charge one with corruption of whom he knew nothing, ought to have been a little better acquainted with the facts of the case, and not have dragged before the country on a charge of corruption, one whose life give((s)) the lie to the statement. (Hear, hear.)¹¹⁴ The house might decide that he was wrong in the opinion he had given, but he was there and purposed to maintain that he was right, not by broad assertions, such as were used by honorable gentlemen opposite, but by argument which had not been overruled.¹¹⁵ The hon. and learned gentleman, and those who acted with him on the other side of the House, might desire to follow the precedents established by the Parliament of Lower Canada and bring to the Bar of the House an individual who, in the exercise of the judgment with which God had blessed him, and out of respect for the oath which he took on being admitted as a member of the bar, had given an opinion which he was prepared at all times and in all places to justify and maintain; but¹¹⁶ he had told the house that he intended

to move, in amendment to any resolution awarding punishment to Mr. Vansittart, that an address be presented to His Excellency to direct the Attorney General for Upper Canada to file an information against that gentleman for the return he had made, and if that resolution were adopted, and an information were filed, the house and the country would have the opportunity of knowing who was in the right, not by the decision of a tribunal of political partizans, overflowing with all the fervour, and, perhaps the rancour, of party spirit,--but by the solemn judgment of the Court of Queen's Bench, where political prejudice could create no bias, and party virulence have no place.¹¹⁷ (Cheers.) Let it not be thought that they were to be bound down by precedents established in Lower Canada, that they should not speak, that they should not hold opinions and give them when they were required to do so, because they would have hanging over them the charges and observations which might be made by the hon. member for Montmorency. Were they to be told that by his motion they should be brought to the bar and judgment passed upon them by the House for corruption in having their opinions in their professional capacity?¹¹⁸ That honorable member, with freedom of speech on his lips, might wish to prevent the expression of his opinion as an advocate, and he might use fierce words and grandiloquent expressions to create terror and dismay, but although, perhaps, the censure of that hon. gentleman might give him pain, although he might be terrified at having incurred his displeasure, and the fear of the torrent of his eloquence being turned against him be punishment, yet he should be merciful, and not add to all these heavy penalties the threat of punishment by the house. But did that hon. member really think that the opinions of the Bar were to be made subservient to the will of the house of Assembly!--did he believe that he could close the lips or silence the pen of an advocate by a resolution of privilege?--did he think that the Bar would see their rights torn from them, and their integrity destroyed, because that house should choose to set itself above the law, and proclaim its omnipotence? He would tell him, and those who were like him, that no threat that could be uttered, no punishment that could be inflicted, would ever cause in him (Mr. Cameron) one moment's hesitation¹¹⁹ either now, or ((at)) any future period,¹²⁰ as to the course he should pursue in the Court or in his Council Chamber where his advocacy was needed, or his opinion required, and that, too, whether he was in the position of an humble Barrister, or clothed with authority as a Law Officer of the Crown.¹²¹ (Loud cheering.)¹²² He was glad that the country would know that there were men in that house who called themselves Reformers, and made a boast and parade of their liberal principles, who were prepared to check privileges of speech and freedom of opinion, who under the cover of the privileges of Parliament would use their power for the destruction of some of their dearest and most sacred rights, and who would sacrifice the honor and character of an individual who was opposed to them, because he dared to have an opinion of his own, and would not submit to a new reading of a law at their dictation. He hoped the hon. member would make his motion against him at once¹²³. He (Mr. Cameron) was prepared now to justify the opinion he

had given, he was ready to hear judgment passed upon him by the House, to have a summons to the bar, and to have a warrant sent to drag him to the bar,¹²⁴ he was ready to feel tyranny work injustice on his person,¹²⁵ to have sentence passed upon him for having given his opinion as an advocate; but neither by Parliament, or any other Court, should his advice as an advocate, or his opinion as a freeman, be bound down: that was his position, a position he was prepared to keep. (Cheers.) Let the hon. gentleman move his resolution, and bring him at once to the bar, that the people of the country might see at once the kind of rule they were to expect. (Cheers.) Let them hear that there was a power above the law, a power called Parliamentary privilege.¹²⁶ He might tell the hon. gentleman that for all that a day of reckoning and retribution would come, and come speedily. Upper Canada would not suffer the rights of the humblest to be trampled upon by a monstrous engine such as privilege of Parliament. She looked upon the free expression of opinion of the men of her Bar as something that could not be lightly surrendered; he would rather say destroy all your Parliamentary privileges;¹²⁷ away with all these privileges--blot out every vestige of Parliamentary privileges if it was attempted to create something monstrous out of them, and to crush out the liberties of the people by destroying the right of discussion. (Cheers.)¹²⁸ Destroy all your mysterious rights; but tamper not with the independence of the Bar, nor think that they can be silenced by your unrighteous decrees. He threw back the charge of corruption with scorn upon the man who had made it, it would cleave rather to him by whose lips it was uttered than to him upon whom it was cast; his character, he hoped, would bear the assertion without stain, his past life would disprove the fact. He felt that but little weight could be attached to the aspersions of any man, or set of men whose acts proclaimed their own injustice, who were prepared to punish before they had evidence to condemn. The whole course of the majority in the Oxford case sprung out of injustice, and was continued in injustice--Mr. Carroll unseated--the Returning Officer condemned unheard--Mr. Vansittart had been treated as a criminal before a charge had been made against him, he had been denied time to prepare for his defence, he had been refused the assistance of Counsel, badgered and bruted (sic) by a host of lawyers on the other side, he was convicted first and tried afterwards. And with all these monstrous proceedings before his eyes, what had he (Mr. C.) to expect from the hon. gentlemen opposite; he expected nothing, feared nothing, as he was prepared to assert to the last the independence of his profession, and to tell those who might be inclined to be his prosecutors, that strong in the conviction of his own integrity, and the soundness of the opinions he had given, he was to be driven into no admission of error by calumny, nor awed into submission to oppression by threats, and that alike fearless of their power, and regardless of their punishment, he saw nothing to regret in the course he had pursued, nor to dread the proceedings that might be taken against him.¹²⁹

MR. CAUCHON would be prepared to answer the hon. gentlemen (sic) when the proper time arrived, but he denied that he had charged him with corruption.¹³⁰

MR. BROWN was then allowed to proceed with his answer.¹³¹

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that the Returning Officer had said at the nomination, that "he would hold Mr. Hincks' Qualification to be good for that day only, and that he would consider the matter previous to the close of the Election," and not, as I have stated, leave the parties to find redress from his final decision. And I also heard the observation of Mr. Vansittart as to that point yesterday, but I did not hear any such statement made on the nomination day; and had there been such statement, I must have heard it.

SIR A. MACNAB desired that the sense of the House should be taken as to the question of evidence.¹³² ((He)) objected to the manner of the witness giving his evidence, because he had been told. Why did not honourable gentleman opposite produce the man who told him?¹³³

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Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the last preceding Answer contains hearsay evidence, and is therefore inadmissible by the Law of Evidence and the practice of Parliament.

MR. PAPINEAU thought that this was not the time to discuss abstract points of law.¹³⁴

MR. NOTMAN accused the Opposition with factious conduct calculated to prevent the truth being arrived at. He deprecated the display of party feeling so unbecoming to gentlemen sitting there as judges.¹³⁵

COL. PRINCE and MR. CAMERON supported the motion¹³⁶.

MESSRS. PAPINEAU and NELSON ((opposed the motion.))¹³⁷

MR. J. A. MACDONALD (Kingston) supported ... ((the motion)) because he thought it would settle the point for ever. As they were threatened with further proceedings of this sort with members of ((the)) House being brought to the bar, he thought they should settle at once by an authoritative vote of the House, what evidence could be received and what evidence could not. True the rules of evidence varied in different countries and in different courts, but the general principles of evidence were alike. In all countries and in all courts of all law, evidence was considered illegal which could not be held as sufficient and satisfactory proof to a reasonable man, and therefore unless a witness could assert from personal knowledge that which he was attempting to prove, his evidence should be rejected. If they were to be at all bound to the laws of the English Parliament it was settled there authoritatively that secondary evidence could not be received. They ought certainly to be guided in a great measure by the usages of the English Parliament, and there it was authoritatively settled in the great case of Warren Hastings that secondary evidence should not be received, and it had been held as a Parliamentary law ever since. Every one must remember the answer of Charles James Fox to Napoleon when they were discussing trial by jury. Bonaparte said, "I don't like your trial by jury, it is inconvenient."

"The English people," replied Fox, "like trial by jury, because of the inconvenience." For the same reason he (Mr. MacD.) hoped the House would submit to the inconvenience of being hampered by the rules of evidence, for the moment they broke through these rules, the gentleman at the bar would be deprived of any protection. He would support the motion, and he hoped a division would be taken that it might be seen how political parties had voted on this great question.¹³⁸

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The House divided; and the names being called for, they were taken down; as follow:--

YEAS.

Messieurs Badgley, Cameron, Cayley, Crysler, Daly, Macdonald of GLENGARRY, Macdonald of KINGSTON, Sir Allan N. MacNab, Prince, Robinson, Sherwood of TORONTO, and Webster,--(12.)

NAYS.

Messieurs Beaubien, Bouthillier, Cauchon, Chabot, Chauveau, DeWitt, Drummond, Duchesnay, Dumas, Fortier, Fournier, Guillet, Holmes, Jobin, Laterrière, Laurin, Marquis, McFarland, Mongenais, Morrison, Nelson, Notman, Papineau, Taché, and Thompson,--(25.)

Mr. J. S. MacDonald, of Glengarry, was in his seat, but not voting it was noticed by SIR A. MACNAB.¹³⁹

He MR. J. S. MACDONALD wished to be excused for the reason that he had not heard all the debate¹⁴⁰.

But the rules of the House ((did)) not ... ((admit)) this reason¹⁴¹.

MR. J. S. MACDONALD voted against Ministers.¹⁴²

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So it passed in the Negative.

MR. DRUMMOND¹⁴³ begged permission to interrupt the proceedings before the House,¹⁴⁴ to make a short statement¹⁴⁵ to offer some explanation, which the hon. member for Huron (Mr. Cayley) was entitled to have, in reference to the letter from the¹⁴⁶ Solicitor to the Bank of England¹⁴⁷ which was produced by him, (Mr. Drummond) yesterday, during the debate on the supplies.¹⁴⁸ As that letter was calculated to cast a prejudice on the late Inspector-General, which would be undeserved, he begged to read the statement sent down by the present Inspector-General, in explanation of the transaction, in order that justice should be done to Mr. Cayley.¹⁴⁹ This letter had been placed in the hands of the Hon. Inspector General for the first time about an hour or two before the debate ((on the supplies.)) The original intention of the Hon. Inspector General, in bringing that document down to the House, was to communicate it to his predecessors, but having had no opportunity of doing so, before the debate, and finding the course he had adopted in his report of the 17th inst., unexpectedly assailed by the hon. member for Huron, the Hon. Inspector General authorised him (Mr. D.) to make use of the letter in

his reply. The purport of that communication is certainly such as to convey the impression that the conduct of the late Hon. Inspector General was open to blame for not having made provision for the payment of either the principal or the interest of the loan effected by him. Nor had the present Inspector General any reason to believe that the Cashier of the Bank of England could have been in error as to the facts. The subsequent explanations afforded him by the honorable member for Huron, have induced the Inspector General to offer through him to this Hon. House the following statement in reference to the matter. This statement I have reduced to writing in order to avoid the risk of either going beyond or falling short of the intentions of the Hon. Inspector General.¹⁵⁰ He ((Mr. Drummond)) excused the present Inspector-General for permitting the reading of the letter alluded to, on the ground that he could not at present be supposed to be acquainted with the facts referred to in all the documents in the Department. Mr. Drummond then read the following statement:¹⁵¹ "With reference to the demand of the hon. member for Huron, the late Inspector General, for certain papers, the object of which is to explain his proceedings on the subject of the loan of £140,000, I have to state that there are documents in the possession of the Government (and if time allowed and the hon. gentlemen wished to have them produced they would be communicated to Parliament) which show that the loan in question was obtained with the sanction of the Imperial Government; and that no blame can be attached to the hon. gentleman opposite for its nonpayment. The delay in the negotiation of the Debentures has been caused 1st by objections to their form, and latterly, it is to be presumed, owing to the state of the money market. On the subject of the interest, there appears to have been a misunderstanding, on the part of the Bank of England, in reference to the intentions of the honorable gentleman. As he has since explained them to the Inspector General, £25,000¹⁵² was paid to the Bank of England to the credit of the 'Canada Dividend Account'; and, in requesting that this amount should be so paid by the Imperial Government to the Bank, the hon. gentleman expected that it would have been applied to the payment of the January dividends, including the interest on the £140,000. But the Bank, as appears by their letter, have not so applied it, and the amount, consequently stood to the credit of the Province with the Bank in January last."¹⁵³

MR. CAYLEY said he was satisfied with the explanation given, and should not press for the production of the papers he had demanded.¹⁵⁴

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4. Did you protest against the Qualification oaths of Mr. Carroll and of Mr. Campbell?--I did.

5. Did the Returning Officer make any remark when you handed him the protest against Mr. Carroll's Qualification?--The protest I gave in against Mr. Carroll's Qualification was general, on the ground of informality, and being contrary to the statute. When I handed it to the Returning Officer, Mr. Carroll and he inspected it for a few minutes, and the Returning Officer then came to me and said, "Mr. Brown, what are the informalities in Mr. Carroll's Qualification?" I said that I

thought that was not a part of his duty as Returning Officer, and declined telling him. Mr. Vansittart said he had no interest in the matter; it was only in order to keep the parties right. He then took the protest, and Mr. Carroll's Qualification, and consulted with one of the officials of the District; after inspecting them, they discovered that Mr. Carroll had omitted to describe the property upon which he qualified. Mr. Vansittart pointed this out to Mr. Carroll, who amended his Qualification, interlining the property on which he qualified, as may be seen on the original document now in the possession of the House.

6. In whose favor was the show of hands; and did the Returning Officer declare Mr. Hincks duly elected by a show of hands?--The show of hands was in favor of Mr. Hincks, and the Returning Officer declared it so.

7. What days were fixed upon as the polling days; and were the days first fixed upon changed; and if so, why were they changed?--At the commencement of the proceedings on the nomination day, I was informed that the polling days would be Tuesday and Wednesday of the week following; but before the close of the proceedings, they were changed to Saturday and Monday, being New Year's day and the Town-Meeting day. Of course, I have no positive knowledge of the reason of this change, but I can suspect the reason.

8. Did the Returning Officer send circulars to his Deputies; and if so, on what point; and did you apply to him in reference to those circulars,--and what was his reply?--The Returning Officer did send circulars to his Deputies in reference to his construction of the Naturalization Act. He called at my hotel during the progress of the Election, and I then took occasion to show him, if possible, that his instructions were illegal, and likely to prove very injurious to Mr. Hincks' interest. He stated that he had taken legal advice on the subject, and that had been his mature decision. I then called his attention to the proclamation which had just appeared in the Royal Gazette, extending the Alien Act for a further period, and requested him, as he had already sent one circular, that he would send another, bringing under the notice of his Deputies the proclamation in the Royal Gazette. He said he could not do that as it would be taking a side, and refused to comply with my request. I think Mr. Vansittart said that he had not seen the Royal Gazette referred to.

9. Was the Returning Officer associated with Mr. Carroll's Committee during the Election?--If I give any answer to that question, it must be upon hearsay evidence; evidence, however, of the truth of which I have no doubt.

10. Did you tender a second Qualification oath, or declaration of Qualification by Mr. Hincks to the Returning Officer, before the close of the Election; and did he accept or refuse it; and what happened as to it?--Mr. Hincks had sent up, before the declaration day, a second Qualification, not doubting that the date of the first one was perfectly legal, but under the impression that some legal technicality might be found in the document. This impression, on examination, was seen to be unfounded; but as a rumour was current on the morning of the declaration, that notwithstanding the large majority of votes which Mr. Hincks had received at

the Polls, the Returning Officer was about to return Mr. Peter Carroll, I called upon Mr. Vansittart at his office, and not finding him, spoke to him in the Court House on the subject of the second Qualification which I had received. I told him that Mr. Hincks had no doubt, nor had I myself, nor counsel, whose opinion we had obtained, that Mr. Hincks' first Qualification was perfectly valid; but, as it had been urged against that Qualification that, though Mr. Hincks might have been possessed of the necessary property in August preceding yet he might not be so qualified on the nomination day, in order to remove all conscientious doubts which he might have upon returning a gentleman possibly not having the proper Qualification, I had brought him a second Qualification oath, shewing that, in fact, Mr. Hincks was possessed of the very same property one week before the nomination. Mr. Vansittart replied that it was too late; and did not wish to receive it. On my urging his receiving it, he did so; but brought it again to me within a few minutes, and insisted on my taking it from him, which I did.

11. Is there any other matter or circumstance within your own knowledge, not before mentioned by you, which you desire to state; or, if mentioned, you wish to explain?--Previous to the nomination, it was generally believed, and indeed Mr. Vansittart stated yesterday to the House, that he had taken legal advice on the point previous to the nomination, that Mr. Hincks' Qualification would be summarily refused by the Returning Officer on the nomination day; and as we were, consequently, afraid of some such proceeding, we had arranged, in that event, to bring forward another candidate. Mr. Vansittart's temporary acceptance of Mr. Hincks' Qualification deprived us of this resource; and was, no doubt, the reason why the Qualification was not summarily refused; besides this advantage that the step need not have been resorted to, in case Mr. Carroll gained the majority of votes. After Mr. Vansittart declared

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Mr. Carroll duly elected, in addressing the Electors I commented on his conduct, and mentioned that the only excuse I had heard for it was, that he acted on the advice of Mr. John Hillyard Cameron; and proceeded to shew that the advice of the leading partizans in the contest was no excuse for his not exercising his judgment in so plain a case. Mr. Vansittart rushed forward, and said, "that is not true: I do not act under the advice of Mr. Cameron." I appealed to Mr. Riddell, who was on the hustings, whether he had not told me so, and whether such was not the fact. Mr. Riddell admitted it to be the fact. The last point is as to the political partizan character of all the Deputy Returning Officers, and the illegal conduct of many of them; but as petitions are before the House in reference to this, I conceive it unnecessary to make any statement.

By Mr. Prince,

12. Have you, since the examination of Mr. Vansittart, read or discussed any of the questions put to, or answers made by, Mr. Vansittart, at the bar, yesterday?--I took notes of Mr. Vansittart's examination yesterday, and I have discussed the merits of his evidence.

13. With whom have you discussed them, and where?--I believe that I have spoken on this subject with most persons with which I have been since the evidence has been taken.

14. Have you discussed the subject with any Member or Members of this House, and if so, with which or whom of them?--I had no discussion with any Member of the House,--I have spoken to many of them, and stated to them my opinion; their names I cannot accurately condescend upon.

15. Did you at any time, prior to this examination, receive any intimation of the character of the questions which have been put to you; if yes, from whom?--I was, as to some of those questions, and as to others also which have not been put by Mr. Notman.

16. You acted as the friend of Mr. Hincks at the Election; did you so act by his desire, or as his agent authorized by him,--or were your services voluntarily proffered?--I was requested so to act by several different parties, and I understand that Mr. Hincks was one of those parties. It was exceedingly doubtful which I would be able to be in Oxford during the Election, and Mr. Hincks' Qualification had been many weeks previous to the Election lying at Woodstock, for whoever should be his agent. On my arrival in Toronto the day previous to the nomination, I found a Telegraph report waiting me, begging that I would go to Woodstock to represent Mr. Hincks; and on my arrival there, all the papers were handed to me, Mr. Hincks having, I presume, previously written that I would act as his friend, if I could be present on the occasion.

17. By whom were you telegraphed?--The communication was signed by Mr. L. H. Holton; and Mr. Hincks has since told me he desired him to send it on his behalf.

18. You have stated that you talked with Mr. Notman on this subject; were any of the questions shewn to you as intended to be put to you by Mr. Notman, altered, amended, or withdrawn at your suggestion?--Not one--and the questions which have not been asked, I think are those which I could not have answered, unless under hearsay evidence.

19. Did you deliver in Mr. Hincks' declaration of Qualification by his desire; from whom did you receive that declaration; and if you did not deliver it to Mr. Vansittart, as Returning Officer, by Mr. Hincks' desire, at whose instance did you so deliver it?--As I have already stated, Mr. Hincks' Qualification was sent up to the County long previous to the Election, with instructions from him that it should be presented as his Qualification, by whoever should represent him, in case of an Election occurring during his absence in England. Before Mr. Hincks' arrival from England, in this country, I was actively engaged in the County on his behalf; and at the request of many of the leading Electors, I had consented to act as Mr. Hincks' agent, in case he did not arrive in time for the Election. After Mr. Hincks arrived, he was in full expectation of being present himself; but not being able to overtake it, he wrote to Mr. Shenstone, who held his Qualification, that I would probably be there to represent him, and in that case to hand me the Qualification. Upon the authority of these documents, the knowledge from third parties that Mr. Hincks was desirous of my representing him, and on my acquaintance with his handwriting, I acted.

20. Are you a freeholder of the County of Oxford; and, if so, did you vote at the late Election; and for whom?--I am not a freeholder in the County of Oxford, and I did not vote.

21. Were you, on the day on which Mr. Vansittart made his Return, threatened to be committed by him for intemperate and abusive language

used by you towards him as Returning Officer?--The language I used on the declaration day would no doubt be differently estimated according to the variety of opinion held as to his conduct by different individuals; but I believe my own friends were of opinion that the language I used was temperate in the circumstances, and well merited. Mr. Vansittart did threaten to commit me for putting a hypothetical case, that if a person under oath, on a perfectly clear case, decided against common sense, upon the advice of any lawyer, whoever he might be, he was in my opinion guilty of moral perjury. He did not carry out his threat, and I believe he will himself admit that my interference alone prevented violence ensuing in consequence of it--an interference which, on several occasions during the Election, he asked and obtained.

22. Have you lately expressed your opinion as to the result of this investigation, or as to what punishment ought to be awarded to Mr. Vansittart for his conduct as Returning Officer?--

MR. J. SCOTT (Bytown) objected to the questions on the same ground as gentlemen on the opposite side had objected on the previous evening to Mr. Vansittart being asked as to matters of opinion, and this was a matter of precisely the same nature. No witness could be called upon to give his opinion. He objected to this question as being frivolous and only put to cause delay and gain time. What would it matter to the House what Mr. Brown's opinion was? Was it to guide them? Was it any matter to the House whether Mr. Brown had expressed an opinion or not? Had it any bearing on the case? Every one must see from the nature of the questions put by the hon. gentlemen on the other side, that it was done merely with a view of gaining time and nothing else. This was not the only question on which the time of the House had been taken up to no purpose. (Hear, hear.) He was but a young member and had sat in the House but a short time but he could point to several instances in which hon. member's had kept the House sitting till early in the morning to serve purposes of their own, and that was doubtless the reason this question was now put; but the hon. gentlemen opposite might rest assured that if they were stubborn, so were his (Mr. S.'s) party, and that though they might be kept there for hours longer, they would carry their measures as they wished, notwithstanding the frivolous and vexatious obstacles that might be thrown in the way. (Cheers.)¹⁵⁵

COL. PRINCE had not had the benefit of the hon. gentleman's complaisant countenance until that moment. Where had he sprung from? Had he been to the dinner party at Monklands, and having left his last place of amusement come down to amuse the House? (Laughter.) He was told that the hon. gentleman was a lawyer by profession, he wished that he was one by practice too, for he had said that they had no right to ask a witness if he had ever expressed his opinion on any subject.¹⁵⁶

MR. J. SCOTT attempted to explain.¹⁵⁷

CO. PRINCE.--He (Col. P.) had ears and could understand his own vernacular. (Laughter.) True the law in the different portions of the Province differed according to the capacity of those who were the

advocates of it, and pursued it as a profession; but was there any place where it was laid down that a witness could not be asked a question? The hon. member should not pretend to lecture those who had forgotten more law than he had ever learned. For his own part he thought that there was no objection to this question.¹⁵⁸

MR. J. SCOTT had objected to this question on several grounds, because on the preceding night they had not been allowed to put a question to Mr. Vansittart of a similar kind, he objected to it on legal grounds, because part of the question required the opinion of the witness; and he also objected to it because the question was merely put to cause delay and annoyance.--The hon. member for Essex had said that the law differed in different parts of Upper Canada. The law in Bytown might be defective, but he would ask the hon. member if the law in the Western part of the Province, from which he came, was not a little more defective, a little more arbitrary, and a little more--something else, than in any other part. (Loud cries of "Hear, hear.") The hon. gentlemen opposite might have forgotten more law than he (Mr. Scott) had ever known. He could readily believe that they had lost the little they ever had in their heads, when they told the House that they had themselves been pursuing a course this session which was good, sound, proper law; and notwithstanding the little experience he had had in the law, he must still maintain that his law was as good as that of the hon. member for Essex, and he should hope that whatever want he might have of legal knowledge, he never could during his life commit such a breach of the law, as every man in the House, and every inhabitant, of at least Upper Canada, knew the hon. member for Essex to have committed.

The hon. gentleman sat down amidst much cheering.¹⁵⁹

COL. PRINCE.--The hon. gentleman who spoke last had yet to learn that truth was to be obtained by slow degrees: he had not learned to use his brains, if he had any. He jumped up and accused a gentleman of being guilty of a breach of the law without knowing what the law was. The object of this question was not delay; it was to obtain the truth, which could not be jumped at and caught suddenly; it must be obtained by slow and painful progress.¹⁶⁰

MR. J. S. MACDONALD (Glengarry) would ask his hon. friend, the member for Essex, who styled himself the "Old English Gentleman, full of British feeling, brim-full of right and just feelings," if it was fair to use the language which he had used this evening towards the gentleman at the bar, who was giving his evidence in a manner which could not be impeached, to charge him with being a "voluntary witness," a "willing witness." There was one satisfaction, and that was, that the hon. gentleman might rely upon it, that the day of retribution was at hand, and that though Mr. Brown was gagged at this moment, that he would have his answer. (Loud cries of "Hear, hear.")¹⁶¹

(79)

I have expressed no opinion as to the result of this investigation. I have stated that in my opinion Mr. Vansittart should be severely punished.

23. Did the Returning Officer inform you that the polling days would be Tuesday and Wednesday?--I am under that impression, but I am not certain that it was him.

24. Are you aware that at any public meeting, about or after the time of the Election, a resolution or other declaration that Mr. Vansittart was to be deprived of his offices was made, and that Mr. Hincks ought to enforce it, if he intended to be returned again for Oxford, or words to that effect?--I never heard of such a resolution, directly or indirectly. And then he was directed to withdraw.

On motion of Mr. Notman, seconded by Mr. Cauchon,
Ordered, That John George Vansittart, Esquire, do appear forthwith at the bar of this House; that the foregoing evidence be read to him, and that he be heard in reference thereto.

Mr. Vansittart appeared at the bar accordingly; and the foregoing Order being read to him, he stated that he had no desire of taking up the time of the House by the reading of the evidence of Mr. Brown, having been present during his examination: he subsequently addressed the House in reference thereto.

MR. VANSITTART.--He would only make a very few remarks upon the evidence, as he did not wish to detain the House a moment longer than was necessary. The witness appeared to have a much more tenacious memory than he had, and appeared to have recollected things which he had entirely forgotten.--With regard to the first question and the answer about certain whisperings which were said to have taken place. Whatever of this nature, passed occurred during an interval in the proceedings, which was allowed until Mr. Campbell could prepare his qualification; that gentleman having come unprepared--During the time Mr. Campbell was preparing his qualification, Mr. Carroll, who was not sitting by his side approached, and, in an undertone, suggested something relative to Mr. Campbell's qualification, that he thought would facilitate that gentleman's making his declaration. Mr. Brown, who appeared to have assumed all the powers of a dictator, immediately pounced down upon him, (Mr. Vansittart) and accused him of improper conduct, in a very impertinent and uncalled for manner. Mr. Brown had stated that he declared Mr. Hincks duly elected, upon the day of nomination, when he (Mr. V.) found he had a majority of votes; but he never did so. Mr. Brown had then referred to the days of polling, and said that he had heard that the election would be held on Tuesday and Wednesday. What Mr. Brown might have heard, he (Mr. V.) could not tell, but he certainly did not hear it from him, because he had not then determined upon the precise days. It had been said that he had chosen extraordinary days, for holding a poll. He had selected those days so that they would not interfere with the sittings of the Quarter Sessions, when he knew that many of the electors would be engaged at the Court; and with regard to the instructions, which it was stated he had sent to the Deputy Returning Officers, he did not send them any instructions; but he sent them all the information which he could give them, and which, he believed to be true,--he faithfully abstained from interfering with the duties of the Deputy Returning Officers, and he

could now, if he desired, show a letter from one of those gentlemen, desiring information. The question had been asked, if he had associated with Mr. Carroll's committee, and he had no hesitation in saying that he was several times in his committee room; he went to see persons there on business, and he did not think that he had committed any fault in doing so. Mr. Vansittart then, after commenting upon several parts of Mr. Brown's evidence, which he considered to be incorrect, and which, he said, he could prove by testimony to be so, stated he did not know until he was called before the Bar what the charges against him were, and he therefore did not think it advisable to bring down from a distance of 500 or 600 miles, a witness whose evidence he did not know he should need--he did not apprehend that he would be called upon to answer, as a criminal, as he now found himself; and he would therefore, now crave time to bring down such evidence as would enable him to prove his character to be above suspicion.--He had borne, he trusted, an unblemished character up to that hour, and he never thought any person would have charged him with having sold himself. He did not disregard the offices which he had held under the Crown, &c. Since the District, in which he lived, was formed, he held the office of Inspector of Licenses, and he was prepared to prove that during the 8 or 9 years he had held this office, he had never asked the political opinion of any person who came before him in the discharge of his duties. He did not undervalue his office. At present, from the fact that an aged relative resided with him, he was in comparatively affluent circumstances; but, when death removed that aid from him, he would have mainly to depend upon his offices for his support. When he made his return he was aware that he would jeopardize his interests, that it would place the Inspector General in a hostile position to him; but he found that the law required it, and he felt it to be his duty to make the return he had done--he did so, although he knew that it would injure him. He was thankful for the assistance which the office he held afforded him: and, a few years ago, when Mr. Malcolm Cameron, at that time Inspector of Public Offices, inspected his, he was pleased to express himself highly satisfied with the manner, in which he fulfilled his duties. During the time he held office he had never been a partizan, and never had attended public meetings, because he felt his hands tied, and, as far as the office he held was concerned, he had done his duty. If it was considered necessary in consequence of the return he had made, that this office should be taken away, he bowed to the decision of the House. But the House had gone further: it had made charges against him, which would brand him as a person who had deceived a constituency. He regretted that he had done wrong, but he had acted from conscientious and honest motives, and claimed from the House that it should not put that censure upon him which he felt he did not deserve. He would now present a petition, praying that he be allowed time, to procure evidence, to prove that much of what Mr. Brown had stated, was erroneous. Another charge which had been made against him was, that he had appointed partizan Deputy Returning Officers. He had a letter in his hands which he had sent to a friend in London, requesting him to inform him if he could suggest to him any persons whom he thought would be proper persons to appoint as Deputy Returning Officers; which letter might be useful to show what kind

of persons he desired to appoint, and which showed that he wished to appoint moderate and unprejudiced men, as Deputy Returning Officer.¹⁶² Mr. Vansittart read the letter alluded to¹⁶³.

(79)

And then he was directed to withdraw.

(80)

Petition of
J. G.
Vansittart.

Sir Allan N. MacNab brought up a Petition of John George Vansittart, Esquire, Returning Officer at the last Election for the County of Oxford.

Mr. Vansittart's petition was read and received.¹⁶⁴

MR. NOTMAN had been requested by Mr. Brown to desire that he might be permitted to give an explanation of a few words on the part of his testimony, in reply to some remarks--¹⁶⁵

SIR A. MACNAB interrupted Mr. Notman, and declared that it would be absurd to allow the witness to reply. He moved, seconded by MR. J. A. MACDONALD, that the petition of George Vansittart, Esq., be received and read, and that the rules of the House, so far as related to the said petition, be dispensed with.¹⁶⁶

(80)

Ordered, That the Petition be now read; and that the Rules of this House be suspended as regards the same.

And the said Petition was read; setting forth:--That prior to being placed at the bar of the House, the Petitioner had received no intimation of the course that would be adopted towards him, and was not in any manner made aware that evidence would be adduced against him: That the Petitioner begs to say, that several of the statements made by George Brown, Esquire, at the bar of the House, as a witness, relative to the conduct of the Petitioner, are erroneous and not founded in fact; and that the Petitioner will be able, if time is afforded him, to disprove such erroneous and ill-founded statements by competent and credible witnesses; that such witnesses reside in the County of Oxford, and that, if permitted, the Petitioner will procure their attendance at the bar of the House; and praying that no decision may be come to by the House on the Petitioner's case, involving as it does not only his future prospects, but affecting his personal honor, until an opportunity is given him of producing the said testimony.

SIR A. MACNAB then moved that the prayer of the petition of George Vansittart, Esq., be granted, and that he have time to produce the testimony offered in the said petition till the fourth day of the next session of Parliament, and that the said John George Vansittart do attend at the Bar of the House upon that day.¹⁶⁷

MR. NOTMAN had no desire to oppose the prayer of the petition: he should support the motion.¹⁶⁸

COL. PRINCE then rose, and, after eulogising Mr. Vansittart for his eloquent and satisfactory defence, asked honorable gentlemen opposite if

they would not at once resolve to acquit that persecuted gentleman, and relieve him from the trouble and expense of a journey next year, to establish a defence which he could not but believe had impressed every member of the House with a conviction of its truthfulness.¹⁶⁹ The rights and privileges of the House had been vindicated. Was it worth while, therefore, to proceed further in the matter?¹⁷⁰

MR. DRUMMOND said that his feelings had been aroused by the appeal made by the gentleman at the Bar. He saw that he was not the true delinquent, but that they had the true delinquent on the floor of the House (cheers.) He had been moved by the appeal of the gentleman at the Bar, because he believed him to have been led astray by the wily words of those who had tortured the clear and simple letter of the law into fraud and falsehood. He could perfectly understand the position of a person holding an office under the Crown, so that although he blamed Mr. Vansittart for having accepted the position of Returning Officer, the greatest blame was with the Administration for having imposed upon one of their own servants the task of doing a double service for them, lest he should be deprived of his office. It would be an act unbecoming British statesmen, unbecoming men of honour and honesty, to refuse Mr. Vansittart the simple request which he had made. He (Mr. Drummond) was not prepared to recede one inch from the ground he had taken, that Mr. Vansittart had been guilty of a violation of the law. He had resolved with the House that Mr. Vansittart had violated the law, but he denied that he had ever charged him with a misdemeanour. The hon. member who dealt out "Sandwich law," instead of the law of the land, told them that they had accused him of a misdemeanour. He (Mr. D.) had always understood, that following the principles of the code of every civilised and enlightened nation, it was necessary to charge a man with wilful and malicious violation of the law, before it could be said that he had been guilty of a misdemeanour. But the hon. member for Essex, judging of the law by that practised in his own neighborhood, told them that they had declared Mr. Vansittart guilty of a misdemeanour; it was not so; the House had done no such thing, and in that they had acted more generously than the British House of Commons had frequently done in similar cases. They had not resolved that he was guilty of a misdemeanour, but that he had violated the law; and it remained to be seen whether he had done it wilfully, maliciously, or corruptly; and, of course, if he did it corruptly, it must have been done wilfully and maliciously. Upon this point he was yet in doubt. He had been struck by the ability and talent displayed by Mr. Vansittart at the bar; so striking was it as almost to exclude the idea of his having been unable to interpret a law, which was so plain that he who can might read. But had he not seen hon. members on the floor of that House of high intelligence, whose wits seemed to be actually bewildered by the sophisms which they had heard from the other side of the House, thrown into a state of doubt by the amazing volubility of the hon. member for Cornwall, by the immense number of precedents which he quoted, whether applicable or not,--by his wonderful recollection of dates, and names and places. He was not astonished, therefore, that Mr. Vansittart, who, being in doubt, had gone to the hon. member--

he was not astonished that to the short space of a quarter of an hour that hon. gentleman should have so perfectly overwhelmed him with law and precedents, that Mr. Vansittart did not really know what course he should adopt in the matter. He (Mr. D.) had sometimes listened to the hon. member in utter amazement, almost incapable of understanding what he was driving at, until after due and mature reflection he found that the hon. member had been referring them to Maull and Selwyn, to find out the definition of the simple word "Candidate" (loud cheers); and he had felt disposed to ask where they were to look for a definition of the word "quibbler." (Renewed cheering.) The hon. gentleman jumped up and overwhelmed them with precedents, names, and dates, and defied them to produce authorities for their opinions, as if no one dared venture an opinion unless a precedent could be found about the year 1650, where a similar opinion had been insisted on by some one with a high sounding name. (Cheers.) And, on the other hand, the hon. member for Toronto came down to the House and accused them of violating all precedents--violating the rights and liberties of British subjects--doing what no deliberative body in the world ever did before,--and talking about the cry which would go through the country--throughout the world,--although he knew full well that the cry raised by him would be caught up by none save the few pitiful curs who yelped at the heels of such declaimers. That honourable member got up and defied them to produce authorities,--and immediately authorities were produced in crowds,--and it was shown that the course of the British House of Commons had invariably been first to resolve that the person, standing in the position of Mr. Vansittart, had been guilty of a violation of the law and the privileges of Parliament, and then not to intimate it to him, as they had done with great delicacy, to attend at the bar on a certain day, but to send for him by the Sergeant-at-Arms, and compel him to pay the expenses.--He (Mr. D.) considered--and he defied hon. members to prove the contrary--that their course towards Mr. Vansittart had been just--(hear, hear)--that they had adopted the proper course,--and that was the course which he hoped they would ever adopt. He was prepared to follow precedents, when good, but bad precedents he would not adopt. (Hear, hear.) On the other side of the House every effort had been made to cast ridicule upon this examination, but the attempt would recoil upon their own heads, the people of the country knew that the majority were acting not for themselves but for the people. Had they not petitions entreating them not to shrink from their duty in this case? Had they not complaints from one end of the country to the other with reference to the conduct of the Returning Officers, at the late general election? He regretted that this examination had been so unnecessarily long and tedious, but at the same time he could not regret that the spirit of the hon. gentlemen on the other side had been shown to the country. They had talked of a conspiracy against Mr. Vansittart on this side of the House, but on this examination they had been able to obtain a further insight into the deep, dark, diabolical conspiracy, organized by the late Administration for the purpose of overthrowing the liberties of the people, of stifling the voice of the people of Canada. (Loud cheers.) That diabolical conspiracy, which had attempted to overrule the elections throughout Upper and Lower Canada; and throughout the advice, the

instructions, the opinions were the same. (Cheers.) The men who gave them were not the same; but the organization, the plan was the same. It was evident that that plan, that organization had been formed in the same council chamber, within the walls of the same council. (Cheers.) There had been too much similarity observed throughout for them to shrink from this conclusion. Aye, and the question put by the hon. member for Essex to Mr. Brown, whether he had adduced any authority from Mr. Hincks to act as his agent, was a part of the same conspiracy; this was the first step in the plan, to prevent the true and full expression of opinion on the part of the people. (Hear, hear.) Written powers of attorney were demanded from every agent by every deputy who served under every Returning Officer appointed by the late Ministry; spurning by this course the great principle that no man can demand his authority of an agent save the principal himself. He knew not if this was the law at Sandwich, but it was the rule of law in all civilized parts of the world. Then they had seen the advice given concerning the qualification, they had seen that in one, two, and three counties the election had been fixed for the same day and short notice had been given in various parts of the country on the same advice. They must therefore be convinced when they considered all these things, that Mr. Vansittart, if he be guilty, was more the victim of the crimes of others than an offender himself; but they must see to the instrument as well as to the makers, and punish him if they found him guilty, at the same time it would be unworthy of a British or a Canadian Legislature to refuse him the simple request which he had now made. He (Mr. D.) sympathised deeply with Mr. Vansittart, because he believed him to have been victimised like too many others. He thought that the country would be grateful to the House for this investigation, because it would not only deter other Returning Officers in future from obeying the improper orders of those who had appointed them, but it would also deter future Administrations from daring to trade with the liberties of the people, and to interfere with the elective machine. (Cheers.)¹⁷¹

SIR A. MACNAB was sorry the hon. gentleman had worked himself into such a passion about nothing.¹⁷²

MR. DRUMMOND.--It might be nothing to the hon. and gallant knight, but the people did not think that it was nothing.¹⁷³

SIR A. MACNAB thought the country would think it very foolish bringing Mr. Vansittart there at all. He could tell the hon. member for Shefford that the late Solicitor General was as well known in Canada as he was, and that it would be well for him if he would ever earn so high a reputation in his profession as the hon. member for Cornwall, than whom no man in the Province possessed a higher, and one which was not likely to suffer much in public estimation from the attacks of the hon. gentleman opposite.¹⁷⁴

MR. CAMERON had no doubt that he should have many opportunities of replying to the hon. member for Shefford, notwithstanding that that hon. gentleman had decided to turn him out of his seat.¹⁷⁵

MR. DRUMMOND denied that he expressed any such determination; he had merely said, when the hon. member had expressed surprise at the committee

having adjourned till next session, that had it not adjourned, he must, following his civil law impressions, have decided against him, but that he had taken time to look into the authorities to which the attention of the committee had been called--He had said this in confidence, and he asked was it fair or honourable in the hon. member for Cornwall to found such an accusation upon it? (Loud cries of hear, hear.)¹⁷⁶

MR. CAMERON.--Whether it was meant in confidence or not, it had been said in the presence of his friends around him. The hon. gentleman had called him "quibbler": he would return the compliment and call him braggart. The hon. gentleman, knowing that the House was on the eve of adjourning--that the country was about to lose the benefit of their services--had desired that the flash of his lamp should be seen brightest at the hour of expiration, and therefore he had taken the opportunity to make a grand--a splendid speech. The hon. member might take any steps he chose, and make use of any power that was in his hands in any way that he thought justifiable; but let him not imagine that anything he could say could damage his (Mr. Cameron's) character in this House or out of doors. He (Mr. C.) was quite as well known in Upper Canada as the hon. gentleman was in Lower Canada. He was well known in the circle of his profession for bringing forward precedents; and he would like to know if it were to be laid as a fault against any man that, in arguing before this House or any where else, he took care to ... ((form)) himself as strongly as he could by the law of the land and the precedents of his country. ... ((It)) was a weak and shallow attack, especially from one belonging to the legal profession. He should be ever ready to meet the hon. member for Shefford, and would take up the gauntlet whenever he threw it down.¹⁷⁷

COL. PRINCE¹⁷⁸ rose for the purpose of replying to some of the observations of the hon. and learned member for Shefford (Mr. Drummond) and others who had preceded him in the debate. That honorable member had appeared to take advantage of that, the last night of the session, to pronounce an eulogy upon the Ministers whom he so ably and constitutionally represented, and to censure, at the same time, the honorable and learned member for Cornwall for the professional advice which he had given to the gentleman who had just retired from the Bar. He (Col. P.) would, however, take the liberty of telling the hon. member for Shefford, that no eulogium he might bestow upon the present Administration could raise them in the estimation of the people at large, or justify the acts committed by them during even the short period they had been in power. Their overbearing, if not tyrannical, conduct, was exemplified in the cases of the three Returning Officers, who had been summoned from their distant homes, unjustly and unnecessarily summoned, in his opinion, and then proroguing the House at so early a period of the Session, without having conferred upon the country any substantial benefits, by passing important acts or otherwise, must stamp them as men unfit for business, or, at least unequal to the task of administering the Government of this important Colony. He (Col. P.) would refer to the subject more immediately under debate, namely, the trial of Mr. Vansittart. The great organ of the Ministry, as he was called, backed by the second toned

instrument, "Glorious Old Norfolk," had refused to allow Mr. Vansittart to be heard in his defence by Counsel at the Bar, and that refusal had been backed by a large majority of this House, who, for the most part, seemed to be captivated with these organ notes. Such a refusal was unjust and anti-British; and Mr. Vansittart had been condemned by the resolution they passed, without a trial, aye, even without a hearing! And he would ask to what had the examination for hours together, of the witness, the only witness, (and a very willing witness he was, and an avowed partizan too of the persecutors of Mr. Vansittart,) tended.¹⁷⁹ ((He)) contended that Mr. Vansittart ought to have every opportunity to rebut the evidence brought against him.¹⁸⁰ By whom was that evidence given? One George Brown, a printer at Toronto--a man unknown except as a violent partizan of Radicals--of Destructives--and as editor of a libellous and scandalous paper called "The Globe," had appeared before them in the character of Squire Brown, or George Brown Esquire. From the manner in which that Brown gave his evidence--from his prevarication--and the reluctance which he exhibited to answer the questions put to him by him (Colonel Prince) after he had so glibly answered those by the prosecutors of Mr. Vansittart, he (Col. Prince) was inclined to think that he belonged to a peculiar class of "Esquires." A person asked Macklin, the player, to subscribe to some charitable institution--Macklin threw down a £10 bank note upon the table. The man requested the favour of his Christian name and profession, that so generous a benefactor might be on the list. Macklin replied, "Put me down Charles Macklin, a rogue and vagabond by Act of Parliament." And he, Col. Prince, would remind the House that by an old obsolete English Statute "Players" are denominated "rogues and vagabonds." "Impossible," cried the man; "you must, Sir, permit me to put your name down as Charles Macklin, Esquire." "Well, do so, replied Macklin, "for I believe the three terms are synonomous (sic) in these days"--(laughter.) And, continued Col. Prince, when the opportunity is afforded to me, as it must eventually be, to sift this Squire Brown's testimony, and to shew it up in its true deformity, piece by piece, I foretell that this House, if it possesses any virtue or honest indignation, will put that willing and dishonest witness in the same category as Macklin placed his "Esquire." He (Col. Prince) pronounce((d)) that George Brown, Esquire, to be a man unworthy of belief; and he would find himself "done brown," indeed, before this case would be finally adjudicated upon, unless he (Colonel Prince) was very much mistaken. Colonel Prince then proceeded to argue at much length upon the weakness of the case made out by the Ministry (because it was their case after all) against that Returning Officer.¹⁸¹ The proceedings of the House in this case had been marked by tyranny and oppression. Tyranny and oppression had been exercised against Mr. Vansittart in a manner subversive to the law of the land--of the law of evidence and of the law of Parliament.¹⁸² He shoven (sic) that no grounds had been laid for his accusation, and that after the clear and unanswerable, as well as gentlemanly defence, made by Mr. Vansittart in the trying situation in which he had been placed, it would become the House to dismiss him from the Bar and from all further annoyance; and the Colonel made a powerful appeal to their sense of justice and honour, and to their better feelings to stop there--at once,

and forever--the proceedings against that Returning Officer. Colonel Prince then replied to some observations made during the debate by another learned and hon. member¹⁸³. The hon. member from Bytown, who came amongst them like a comet, had¹⁸⁴ taunted him with having a peculiar law of his own--a Sandwich Law--invented and summarily carried out by himself.¹⁸⁵ He'd tell the House to what he and other gentlemen alluded. "Sandwich Law" was this: to deal out summary punishment when it was necessary; that was "Sandwich law," and that was the law which he (Colonel Prince) would always act upon when necessity required it.¹⁸⁶ It, of course, must have been obvious to all then present that the member for Bytown intended to cast reflections upon him for his conduct on the 4th December, 1838, when he ordered 5 scoundrels to be shot at Windsor, and which was done according. He thanked the member for Bytown for having brought the allusion so prominently before the House, because it afforded him (Col. P.) an opportunity of--not repudiating--but reiterating the legality, and the justice, and the strict propriety of his acts upon that occasion--and which saved the further effusion of human blood, and perhaps, in the end, the lives of many who had ungratefully and cruelly calumniated him.¹⁸⁷ Why did not the hon. gentleman come out openly and accuse John Prince of having acted contrary to law, and ordered five vagabonds to be shot?¹⁸⁸ God forbid, that necessity should again be required to demand a repetition of those acts; but he would now tell the member for Bytown as he told the Lieutenant-Governor that day, (Sir George Arthur,) that no censure, no prohibition, should ever restrain him (Col. P.) from pursuing a similar line of conduct under similar circumstances. He did not stand there to boast or to glory in the act--it was a sad and a melancholy duty to perform; but stern necessity demanded it, and he would not shrink from the demand. As he said before, God forbid that such a necessity should ever again arise; but he there, from his place in that House, told hon. members, and he desired to be distinctly heard within its walls, that if foreign commotions, in near or distant lands, or if internal dissensions should hereafter procreate in this province, sympathizers and pirates, and invaders of the class of 1838, or of any such ruffians or similar kidney, and if such sympathizers ever dared to act as they acted,¹⁸⁹ and if he had a command, which he hoped he should not have, except over his fellow citizens,¹⁹⁰ and ((if they)) fell into his hands as they did, not one should be released--¹⁹¹ he'd order them to be shot or hanged;¹⁹² the penalty of death, (a penalty to be justified and enforced only under such circumstances, and for self-preservation) should assuredly follow the commission of their crimes, when the murderer was taken with the weapon in his hand--and the only difference he should make would be as to the mode of execution--the gallows, and not the soldier's death, should be the portions of such rascals.¹⁹³ Instead of flinching from enquiry on the subject, he was proud to have been the means of stopping invasion and bloodshed: and if ever again foreign pirates came to molest himself or his neighbours, he would deal out summary law, and not wait to try them in a court of law, but hang them.¹⁹⁴ Col. Prince then addressed himself to the House upon various other points in Mr. Vansittart's as well as in the late case of Mr. Norval; and having replied to some observations reflecting upon his consistency, he concluded by assuring (sic) the organs of the

Ministry, and the Ministry itself, and the whole House, that the charge of inconsistency should never more be made against him, that he was by education a British Whig, that he had, at times, lent his humble aid in the Provincial Parliament to those who, styling themselves Reformers, he thought were Whigs as he was, but he had been deceived; he had found them less liberal than the true liberal Conservatives in fostering and carrying out legitimate reforms--that the main reform in their creed appeared to him to be the reformation of place, and power, and patronage, and transferring the position to themselves; that they had elevated to the highest political honors men utterly unfit for such positions,--and had insulted by such acts those of education and ability,--that they had manifested a desire to check private enterprise and public improvements,--and that, in time to come, he should repudiate such pseudo-reforms, and steadfastly adhere, so long as he held a seat in Parliament, to the cause of true Conservatism with more consistency than may, perhaps, prove agreeable to his hon. friends on the other side, notwithstanding the gallant minority to which he then had the honor to belong forming in that House "Her Majesty's loyal Opposition." The Col. sat down amidst loud applause.¹⁹⁵

MR. J. S. MACDONALD was very sorry that one who had on many occasions stood up in behalf of the injured and oppressed, should have taken this occasion to deal out the language which the hon. member for Essex had done towards an individual at the bar of this House whom he knew to be unable to address the House. If the hon. gentleman was smarting under the lash of what the gentleman at the bar had written in the Globe, he might have used the same means of reply, as a large part of the press of Canada would be open to him.¹⁹⁶

COL. PRINCE.--I would not condescend to do it.¹⁹⁷

MR. J. S. MACDONALD.--But was it fair, he would ask him, in the position in which Mr. Brown was placed at the bar--gagged so that he could not answer to the accusations and motives imputed to him--to assail him as he had done? He was charged as a vagabond and a scoundrel--with giving his evidence for party purposes. Those who knew Mr. Brown, knew him to be incapable of such a thing (hear, hear): they knew that his talents had been appreciated in Upper Canada, and that no man wielded a more powerful influence there; and yet upon this occasion the "English gentleman," who had talked so much about British practice and fair play, and who had stood out boldly and manfully in his defence of Mr. Vansittart, attacked the gentleman at the bar when he was unable to say a word in his defence. (Hear, hear.) He (Mr. McD.) had referred to the Globe, and he did it because he felt certain that the time would come when the hon. member should have his answer thundered from one end of the Province to the other. The hon. gentleman might sneer at the press but was he impervious to the attacks of the press? He (Mr. McD.) doubted if there was any man in the House less so. (Hear, hear.) Let no man pretend to say that the press did not rule public opinion in the country. (Hear, hear.) He knew it was fashionable for gentlemen to say that they did not care what was in the papers, whilst at the same time they procured them and read them secretly; and certainly no man had been more the subject of the press than the hon. member for Essex. (Hear, hear.) What he complained of to-night was not

that his hon. friend had defended Mr. Vansittart, but that he had acted in a manner in which no true-hearted Englishman would ((wish)) to act towards Mr. Brown at the bar; but he was satisfied that that gentleman would, ere long, defend himself in the proper place. (Hear, hear.)¹⁹⁸

MR. J. SCOTT again addressed the House, and stated in the course of his observations that he had never in his life heard or read of a case of such atrocity as the conduct of the hon. member for Essex, in shooting the five men to whom he had referred; and he could tell that hon. gentleman, that if ever such a thing took place in Canada again in any circumstances, it would not escape so easily; and had not Canada been in a state of excitement and confusion at the time, the hon. and learned member would have taken his trial as a murderer; and if ever again a similar act of villany (sic) was committed, the man who did it, would stand a very good chance of being convicted and hung. (Cheers.)¹⁹⁹

MR. RICHARDS defended the course of Mr. Drummond in the Cornwall election, and accused Col. Prince of ungenerous conduct, in attacking, as he did, the young and inexperienced members of the House.²⁰⁰

COL. PRINCE denied that he had acted in an ungenerous manner, and defied the hon. member to point to one occasion in his Parliamentary career in which he had said a harsh word or used rough language without being first attacked. He should never have alluded to the Sandwich affair had he not been goaded into it by the hon. member for Bytown and others. He was a child in gentleness of heart, but when attacked he had the fierceness of the bull-dog.²⁰¹

✕ MR. CAMERON had not intended to impute to the hon. member for Shefford any unfairness when acting as Chairman of the Cornwall Election Committee; and if he had been so understood by the hon. member, he begged to offer him a frank and fair apology. (Cheers.)²⁰²

MR. MORRISON²⁰³ said he would not have risen on this occasion had it not been for the disgraceful and unmanly attack made by an hon. member opposite (Col. Prince) on the gentleman who had given evidence at the Bar.²⁰⁴ ((He)) rose for the purpose of vindicating the character of the gentleman at the bar. He had known that gentleman for years, and would believe his word as soon as that of the hon. member for Essex. When that hon. gentleman said that he had used no "rough language" in the House, his conduct to-night gave him the lie. He had used unmanly, cowardly language.²⁰⁵ He had heard the language used by that hon. member with disgust, uttered, as it was, against one who, by the rules of the house, could not say a word in his own defence.²⁰⁶ He talked of his "British feeling," and had referred them to the Sandwich matter; but was murder consistent with British feeling? (Loud cheering.) He might talk²⁰⁷ daily²⁰⁸ of being an "old English gentleman"--²⁰⁹ was the language used that of a gentleman? was it British-like to insult one whose hands were tied up, and whom he dared not have so maligned under different circumstances? Thank God, it was not.²¹⁰ He might sneer at Canada, and get up and attack the young men growing up in Canada who would replace that gentleman and others like him. He (Mr. M.) had seen more unmanly and un-British feeling in this House than he ever expected to witness in a

British Colony.--Every evening that gentleman (pointing to Col. Prince) had played his fantastic antics before the House, to amuse not the members of this House, but the gallery. (Cheers.) He was but a young member of the House, but he would ever maintain the character of a gentleman, and never allow an individual talking of his "British feeling" to traduce the conduct of any one at the bar. The gentleman at the bar had been called a "scoundrel." Other individuals within these walls might be deserving of the name, but he was not. (Hear, hear.)²¹¹ He could tell the hon. member that whatever might be his opinion of Mr. Brown, the testimony of that gentleman would receive credence in Upper Canada far beyond his (Col. Prince's) own. For his (Mr. Morrison's) part, he had known Mr. Brown for many years, and he could only say that he would at any time take his word much sooner than he would the oath of the honorable member for Essex.²¹² (Cheers.)²¹³ There was no member of that House who held a more unblemished character in Upper Canada than the gentleman who had been so foully-maligned²¹⁴. If conduct like this was to be tolerated, the sooner they had no House of Assembly the better. (Cheers.) This was the first time he had addressed the House, he had not intended to have done so until he was acquainted with its usages and customs, but when he saw a gentleman like Mr. Brown called to the bar, called a scoundrel, and insinuations leveled against him, the British feeling that he had within him was aroused. He trusted that conduct like this would be put down in future sessions, and that individuals would not be allowed to jump up and traduce the conduct of gentlemen. He repeated that there was no member in that House of more unblemished character than the gentleman who had been so foully maligned, and it would matter little to him what opinion might be held of him by a man who had blood stains on his hands, and had been pronounced guilty of murder--cold blooded murder--by a British House of Peers. (Great cheering.)²¹⁵

COL. PRINCE replied briefly to the speech of Mr. Morrison, and said he would extend to him the mercy of silence.²¹⁶

(80)

Ordered, That the prayer of the said Petition be granted, and the Petitioner have time to produce the testimony offered in his Petition, until the fourth day of the next Session of Parliament.

Ordered, That the said John George Vansittart, Esquire, do attend at the Bar of this House, on that day.

Message
from His
Excellency.

The Honorable Mr. Boulton delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr.

Speaker, all the Members of the House being uncovered, and is as followeth:--
ELGIN AND KINCARDINE.

Despatches
relative to
Emigration.

The Governor General transmits for the information of the Legislative Assembly, the accompanying copies of Despatches from Her Majesty's Secretary of State, relative to the Emigration of last year.

Government House,
Montreal, 21st March, 1848.

Appendix (W.)

For the Documents accompanying the above Message, see Appendix (W.)

Jesuits'
Estates.

The Honorable Mr. Boulton presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative, Assembly to His Excellency the Governor General, dated 16th March, praying His Excellency to cause to be laid before the House, a copy of the Security Bond given by Louis Eléonore Dubord, Esquire, as Agent for the Jesuits' Estates in the District of Three Rivers.

Appendix (X.)

For the said Return, see Appendix (X.)

Then, on motion of Mr. Richards, seconded by Mr. M'Farland,
The House adjourned²¹⁷ until to-morrow at two o'clock, P.M.

FOOTNOTES: 22 MARCH 1848.

1. There is a commentary on this matter in PACKET, 31 March 1848.
2. The debate on this matter was reported by: MONTREAL TRANSCRIPT, 23 March 1848; and BRITISH WHIG, 25 March 1848.
3. MONTREAL TRANSCRIPT, 23 March 1848.
4. The debate on this matter was reported by: BRITISH COLONIST, 24 March 1848, GLOBE, 25 March 1848, MONTREAL GAZETTE, 24 March 1848, and BRITISH WHIG, 25 March 1848, in identical accounts.
5. BRITISH COLONIST, 24 March 1848.
6. MONTREAL GAZETTE, 24 March 1848.
7. IBID.
8. The debate on this matter was reported by: PILOT, 30 March, and 1 April 1848, copying Vansittart's speech from MONTREAL HERALD; MONTREAL COURIER, HAMILTON SPECTATOR, 8 April 1848, MONTREAL GAZETTE, 27 March 1848, CHATHAM GLEANER, 11, 18 April 1848, and L'AUORE, 30 March 1848, in accounts identical except that in HAMILTON SPECTATOR and L'AUORE, some speakers have been omitted entirely, and the reports in the MONTREAL GAZETTE and HAMILTON SPECTATOR are longer than the others. LE CANADIEN, 27 March 1848, summarized the debate. MONTREAL TRANSCRIPT, 23 March 1848, noted the debate; BRITISH COLONIST, 24 March 1848, GLOBE, 25 March 1848, MORNING CHRONICLE, 24 March 1848, HAMILTON SPECTATOR, 25 March 1848, ST. CATHARINES JOURNAL, 30 March 1848, and CHATHAM GLEANER, 28 March 1848, noted the debate in identical accounts. Vansittart's speech was identically reported in PILOT, 1 April 1848, MONTREAL GAZETTE, 27 March 1848, and HAMILTON SPECTATOR, 8 April 1848. Wherever these portions of the account in HAMILTON SPECTATOR which are identical to those in MONTREAL GAZETTE are selected, the HAMILTON SPECTATOR has been reproduced because it is much more legible. The debate was carried on till 3 o'clock in the morning and was described as very lively by the newspapers. "The discussion was carried on very warmly at different periods of the evening", noted MONTREAL TRANSCRIPT, 23 March 1848. LE CANADIEN, 27 March 1848, called it "orageux" and went on to observe: "Dans le cours de cette discussion extrêmement courtoise et parlementaire les mots "ruffians," assassin, meurtrier, brigand, spectre vengeur, atrocité, etc., ont plu de tous côtés. Les cris d'"ordre," d'"écoutez," etc., ont couvert, à plusieurs reprises, la voix des orateurs."
9. HAMILTON SPECTATOR, 8 April 1848.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. PILOT, 30 March 1848.
15. HAMILTON SPECTATOR, 8 April 1848.
16. PILOT, 30 March 1848.
17. HAMILTON SPECTATOR, 8 April 1848.
18. PILOT, 30 March 1848.
19. IBID.
20. HAMILTON SPECTATOR, 8 April 1848.

21. PILOT, 30 March 1848.
22. HAMILTON SPECTATOR, 8 April 1848.
23. PILOT, 30 March 1848.
24. HAMILTON SPECTATOR, 8 April 1848.
25. PILOT, 30 March 1848.
26. IBID.
27. HAMILTON SPECTATOR, 8 April 1848.
28. PILOT, 30 March 1848.
29. HAMILTON SPECTATOR, 8 April 1848.
30. PILOT, 30 March 1848.
31. HAMILTON SPECTATOR, 8 April 1848.
32. PILOT, 30 March 1848.
33. HAMILTON SPECTATOR, 8 April 1848.
34. PILOT, 30 March 1848.
35. HAMILTON SPECTATOR, 8 April 1848.
36. PILOT, 30 March 1848.
37. HAMILTON SPECTATOR, 8 April 1848.
38. PILOT, 30 March 1848, noted that Sherwood "spoke at great length".
39. HAMILTON SPECTATOR, 8 April 1848.
40. IBID.
41. PILOT, 30 March 1848.
42. HAMILTON SPECTATOR, 8 April 1848.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. PILOT, 30 March 1848.
49. IBID., noted that MacNab rose "in apparent consternation".
50. HAMILTON SPECTATOR, 8 April 1848.
51. IBID.
52. IBID.
53. PILOT, 30 March 1848.
54. IBID.
55. IBID.
56. IBID.
57. HAMILTON SPECTATOR, 8 April 1848.
58. PILOT, 30 March 1848.
59. IBID.
60. IBID.
61. IBID.
62. HAMILTON SPECTATOR, 8 April 1848.
63. PILOT, 30 March 1848.
64. HAMILTON SPECTATOR, 8 April 1848.
65. IBID.
66. PILOT, 30 March 1848.
67. IBID.
68. HAMILTON SPECTATOR, 8 April 1848.
69. PILOT, 30 March 1848.
70. IBID.

71. HAMILTON SPECTATOR, 8 April 1848.
72. PILOT, 30 March 1848.
73. HAMILTON SPECTATOR, 8 April 1848.
74. PILOT, 30 March 1848.
75. HAMILTON SPECTATOR, 8 April 1848.
76. PILOT, 30 March 1848.
77. HAMILTON SPECTATOR, 8 April 1848.
78. LE CANADIEN, 27 March 1848, described Cameron's speech as "entièrément virulent".
79. HAMILTON SPECTATOR, 8 April 1848.
80. PILOT, 30 March 1848.
81. HAMILTON SPECTATOR, 8 April 1848.
82. PILOT, 30 March 1848.
83. HAMILTON SPECTATOR, 8 April 1848.
84. PILOT, 30 March 1848.
85. HAMILTON SPECTATOR, 8 April 1848.
86. PILOT, 30 March 1848.
87. HAMILTON SPECTATOR, 8 April 1848.
88. PILOT, 30 March 1848.
89. HAMILTON SPECTATOR, 8 April 1848.
90. PILOT, 30 March 1848.
91. IBID.
92. HAMILTON SPECTATOR, 8 April 1848.
93. PILOT, 30 March 1848.
94. IBID., which reported Cameron's words as "the chances of the hour".
95. HAMILTON SPECTATOR, 8 April 1848.
96. PILOT, 30 March 1848.
97. HAMILTON SPECTATOR, 8 April 1848.
98. PILOT, 30 March 1848.
99. HAMILTON SPECTATOR, 8 April 1848.
100. PILOT, 30 March 1848.
101. HAMILTON SPECTATOR, 8 April 1848.
102. PILOT, 30 March 1848.
103. HAMILTON SPECTATOR, 8 April 1848.
104. PILOT, 30 March 1848.
105. HAMILTON SPECTATOR, 8 April 1848.
106. PILOT, 30 March 1848.
107. HAMILTON SPECTATOR, 8 April 1848.
108. PILOT, 30 March 1848.
109. HAMILTON SPECTATOR, 8 April 1848.
110. PILOT, 30 March 1848.
111. HAMILTON SPECTATOR, 8 April 1848.
112. PILOT, 30 March 1848.
113. HAMILTON SPECTATOR, 8 April 1848.
114. PILOT, 30 March 1848.
115. HAMILTON SPECTATOR, 8 April 1848.
116. PILOT, 30 March 1848.
117. HAMILTON SPECTATOR, 8 April 1848.
118. PILOT, 30 March 1848.
119. HAMILTON SPECTATOR, 8 April 1848.

120. PILOT, 30 March 1848.
121. HAMILTON SPECTATOR, 8 April 1848.
122. PILOT, 30 March 1848.
123. HAMILTON SPECTATOR, 8 April 1848.
124. PILOT, 30 March 1848.
125. HAMILTON SPECTATOR, 8 April 1848.
126. PILOT, 30 March 1848.
127. HAMILTON SPECTATOR, 8 April 1848.
128. PILOT, 30 March 1848.
129. HAMILTON SPECTATOR, 8 April 1848.
130. PILOT, 30 March 1848.
131. IBID.
132. IBID.
133. HAMILTON SPECTATOR, 8 April 1848.
134. PILOT, 30 March 1848.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. MONTREAL GAZETTE, 27 March 1848.
140. IBID.
141. IBID.
142. IBID.
143. There is a commentary on this portion of the debate in PILOT,
1 April 1848.
144. PILOT, 30 March 1848.
145. MONTREAL GAZETTE, 27 March 1848.
146. PILOT, 30 March 1848.
147. MONTREAL GAZETTE, 27 March 1848.
148. PILOT, 30 March 1848.
149. MONTREAL GAZETTE, 27 March 1848.
150. PILOT, 30 March 1848.
151. MONTREAL GAZETTE, 27 March 1848.
152. IBID., which quoted the figure as £20,000.
153. PILOT, 30 March 1848.
154. MONTREAL GAZETTE, 27 March 1848.
155. PILOT, 30 March 1848.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. IBID.
161. IBID.
162. PILOT, 1 April 1848.
163. HAMILTON SPECTATOR, 8 April 1848.
164. PILOT, 1 April 1848.
165. IBID.
166. IBID.
167. IBID.

168. IBID.
169. HAMILTON SPECTATOR, 8 April 1848.
170. PILOT, 1 April 1848.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. IBID.
177. IBID.
178. Prince's speech prompted strongly critical commentaries by PILOT, 28 March 1848, and 1 April 1848, and HAMILTON SPECTATOR, 8 April 1848.
179. HAMILTON SPECTATOR, 8 April 1848.
180. PILOT, 1 April 1848.
181. HAMILTON SPECTATOR, 8 April 1848.
182. PILOT, 1 April 1848.
183. HAMILTON SPECTATOR, 8 April 1848.
184. PILOT, 1 April 1848.
185. HAMILTON SPECTATOR, 8 April 1848.
186. PILOT, 1 April 1848.
187. HAMILTON SPECTATOR, 8 April 1848.
188. PILOT, 1 April 1848.
189. HAMILTON SPECTATOR, 8 April 1848.
190. PILOT, 1 April 1848.
191. HAMILTON SPECTATOR, 8 April 1848.
192. PILOT, 1 April 1848.
193. HAMILTON SPECTATOR, 8 April 1848.
194. PILOT, 1 April 1848.
195. HAMILTON SPECTATOR, 8 April 1848. According to LE CANADIEN, 27 March 1848, Prince's speech was followed by "des discours très violents".
196. PILOT, 1 April 1848.
197. IBID.
198. IBID.
199. IBID.
200. IBID.
201. IBID.
202. IBID.
203. LE CANADIEN, 27 March 1848, described Morrison's speech as "très éloquent".
204. HAMILTON SPECTATOR, 8 April 1848.
205. PILOT, 1 April 1848.
206. HAMILTON SPECTATOR, 8 April 1848.
207. PILOT, 1 April 1848.
208. HAMILTON SPECTATOR, 8 April 1848.
209. PILOT, 1 April 1848.
210. HAMILTON SPECTATOR, 8 April 1848.
211. PILOT, 1 April 1848.
212. HAMILTON SPECTATOR, 8 April 1848.
213. PILOT, 1 April 1848.

- 214. HAMILTON SPECTATOR, 8 April 1848.
- 215. PILOT, 1 April 1848.
- 216. HAMILTON SPECTATOR, 8 April 1848.
- 217. IBID., which reported that "the House adjourned at 3 o'clock, A.M."

THURSDAY, 23 MARCH 1848.¹

(80)

ON motion of Sir Allan N. MacNab, seconded by Mr. Drummond,

The Queen's
Portrait.

Ordered, That the Clerk of this House be directed to write to John Partridge, Esquire, Portrait Painter to Her Majesty The Queen, requesting him to forward the likeness of Her Majesty, painted for this House.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Macdonald,

Huron
Election.

Resolved, That the Petition against the Return of the sitting Member for the County of Huron is not now pending, the Petitioner having failed to enter into the Recognizance required by law.²

Legislative
Councillors.

The Honorable Mr. Boulton moved to resolve, seconded by Mr. Drummond,³

MR. H. BOULTON.--((moved)) that "Legislative Councillors be deprived of their votes in the elections for Members of Parliament."⁴

MR. ROBINSON expressed considerable surprise that a motion of such importance should be made just at the termination of the session of parliament.⁵ ((He)) rose to move an amendment, and, before doing so, stated that he took that opportunity of making some remarks to the House,⁶ before the question was put,⁷ on a subject that had recently occupied its attention. When the House was in Committee of Supply on Tuesday last, and the Memorandum furnished by the Hon. Inspector-General, of the state of the finances of the country, was under discussion, he (Mr. R.) refrained from addressing the House, although he at one time intended doing so. His Hon. friend from Huron (Mr. Cayley) had so fully answered the statements in that Memorandum, that he did not feel called upon to speak, though one paragraph seemed to require notice from him; he alluded to that when it was stated, "That the Commissioners of Public Works have entered into contract to the extent of upwards of £100,000, beyond the approbations, and for which no ways and means have been provided." Now, Mr. Speaker, although it was admitted in the House, that the Department over which he (Mr. R.) and his lamented colleague, Mr. Casgrain, for a time presided, was one subordinate to the Government, and, in fact, an Executive one, and no blame had been attached to him, or Mr. Casgrain, by the Hon. Member for Shefford, who represented the Government, or any one else still, he was aware, that many persons considered that the Department was in fault, and had, in fact, entered into contracts for work to a large amount, without adequate authority.⁸ He would beg permission to say a few words respecting some remarks which had appeared in the leading article in the Pilot of this morning. He was aware that he was trespassing on the time of the House, but⁹ he (Mr. R.) had felt it necessary to take the course he was now doing¹⁰. He thought he was entitled to be heard, as the remarks alluded to, reflected severely upon himself and his hon. friend. The Pilot was not, he was aware, the actual accredited organ of the Government, but from certain circumstances it might be so considered in the country¹¹. ((It was)) a

paper high in the confidence of the Government,¹² and he did not wish it to go forth unanswered. The hon. gentleman then read from the Pilot the following passage:

"Had no new works been commenced, the Province might have completed the old ones. Again, we deny that there was any necessity for going on at present with the Welland Canal works; and we say emphatically, that to enter into contracts for about £100,000 over and above the parliamentary appropriations, and for £270,000 over and above the loan contracted, was--in the state of the money market, which has existed for some time past--an act of sheer insanity. Mr. Robinson and Mr. Cayley, between them, have brought the Government of the Province into disgrace by their system of issuing certificates to contractors, payable three months after date, without any prospect of being better able to pay at the end of the time."¹³ This, Mr. Speaker, is a serious charge, and one that he (Mr. R.) was not inclined to allow to pass unnoticed. He denied that the course pursued by the Government, or by himself, so far as he was concerned, was calculated to have that effect. He contended, that when the work necessary to complete the Welland and other great Canals of the Province, was once, by sanction of the Government placed under contract, it was necessary to go on, and not by suspending (as had been suggested in the Pilot) delay the completion of works of such importance, to the manifest injury of the trade and revenue of the country, as well as give contractors, working in good faith, claims to damages to a large amount. He contended that not only was it better to make such an arrangement with the Banks, but the Government, in his opinion, had better pay 10 percent for money than suspend the work.¹⁴ The Government, said the hon. gentleman, cannot, dare not, stop the public works now in progress; to do so would lead to greater evils than those they are anxious to avoid. The contractors would be down upon them, and they would have to pay ruinous claims for work not done. The late Government was not to blame for carrying on to the utmost of their power the works contracted for by their predecessors. He would advise the Government to carry on these works with the least possible delay,¹⁵ and make them productive¹⁶ and the revenues derived from the profits of them when completed, would enable the Government to proceed with the construction of railroads and other necessary and important works for the benefit of the country,¹⁷ which the public so much desired¹⁸ ((and)) which they could not commence till then.¹⁹ He thought he might with some confidence appeal to such gentlemen in the House, as paid any attention to the trade of the Country, whether the exertion made by the Government and his Department to complete the Lachine Canal, last Summer, was not of some importance and justified the means said to have been adopted to carry it on. For the last four years, the water had been drawn from this Canal, in the months of August and September, for a period of from one to two months,²⁰ causing great inconvenience to merchants and persons engaged in the commerce of the country²¹ and loss of Revenue, as any one must have observed who had occasion to pass over the Lachine turnpike, and witnessed the immense amount of carriage going on, in consequence of such an interruption to the navigation.²² The works were now so far completed that there would be no necessity for doing this again. The true policy of the country

was to finish the public works now under operation as soon as possible. The completion of the canal had made an increase in the revenue of £3,000, and that sum would pay the interest of 50,000. He certainly thought it was right to carry on works, that found in themselves, the means of their completion. The hon. gentleman alluded to the new channel having been brought into view, and means thereby afforded for the transit of a larger class of vessels, and various other facilities to the commerce of the country.²³ The same reasons applied for completing the Welland in the most perfect manner, and shortest time. Many vessels of the larger class were obliged to be withdrawn from the route; by their owners in the Western States and Canada, because the navigation was so imperfect. From £700 to £1,200 per annum had been expended, for many years, at the Lake Ontario terminus (Port Dalhousie) in keeping open the old and insecure harbour, when, by the exertion of the Department and their Engineers, and sanction of the Government, the new entrance, with 12 feet of water, would be brought into use this Spring, and the wasteful expenditure on the old one put a stop to. And other improvements, equally important, had been made in this work during the last year. He (Mr. R.) felt that instead of deserving censure, the late Government merited the thanks of the Country for not suspending these great works²⁴. The people were in general satisfied.²⁵ He was prepared here and before the Country, to defend the share he had had in prosecuting the works under the arrangement so much condemned by the Pilot. He felt that if by any exertions of his, he had advanced the completion of these great works one year, he had conferred a positive benefit on the Country, and deserved not the censure of any one. If he desired the gentlemen who were now in power to forfeit the confidence of the Country, in the shortest possible time, he would say, suspend the Public Works. But he was not one of those who desired the country to stand still in the march of improvement, merely because his friends were not in power; no, he desired to see the country prosper and "go ahead," no matter who filled the Ministerial seats. Hon. gentlemen would no doubt remember that during the two first Sessions of the last Parliament, a large portion of every day was taken up with questions to the Government, "Why the Public Work was not finished," or "Why such a Road or Bridge was not in progress," the money for which had long before been voted. They would also remember the almost universal dissatisfaction of the people at seeing grants for roads and other works frittered away by surveys and resurveys, and nothing more done. Was the Government, therefore, not justified in doing every thing in its power to put an end to these very just complaints?²⁶ The cry is not heard now for the work is done.²⁷ He contended it was for economy, and the best interests of the country demanded it.²⁸ His (Mr. Robinson's) advice to the late ministry had been²⁹ to finish the Works now in progress, and not undertake others,³⁰ until the great works in hand were completed and productive,³¹ ((and)) the circumstances of the country would permit³², and he would inform the present government that it was the intention of the late ministers not to commence any new works.³³ He, in all sincerity, advised those now in power for to follow that course.³⁴ When the motion for supplies had been made, his and his hon. friends' votes had been given freely, and he thought it extremely unjust that remarks such as those in the Pilot had been made.³⁵ Anything

was better than suspension; this had been clearly proved on the Erie Canal; the enlargement of that great work was suddenly stopped; and he believed he was correct in saying that almost as much was paid, in the shape of damages, as would have furnished the enlargement of the sections under contract. Large fortunes had been made in the shape of anticipated profits. Reverting again to the Welland Canal, he (Mr. R.) was not prepared to admit the sufficiency of the reasons given for the cost³⁶. He ... alluded to the low estimate for the reconstruction of the Welland Canal, in the first instance. When the sum, £495,000,³⁷ was mentioned to him, he had said that £750,000 was a much likelier estimate of the probable costs of the work, and the result of the expense incurred, estimated at ... ((£950,000)),³⁸ had shown that he was far nearer the truth than Mr. Killaly--who, talented engineer as he was, should have given in a better estimate³⁹. The late Chairman of the Board of Works had been nearly two years employed as Engineer on that work, and thus had ample time and opportunity of estimating the cost of its reconstruction; he did not blame him so much for the insufficiency of the estimate, as for sending an officer to take charge of that great work, who had never made a canal or a lock in his life. And he (Mr. R.) knew that Mr. Killaly was aware of the inexperience of that Engineer, and his utter incompetency to prepare a correct estimate of such a work. (Hear, hear.) Of many other works he was aware Mr. Killaly had not the time to prepare a correct estimate--he meant the various harbours and roads, most of which he believed had been completed for amounts not much exceeding the estimates.⁴⁰ In ((these)) cases he certainly had done well, and deserved credit for his correct estimates.⁴¹ If, Mr. Speaker, (said Mr. R.) Mr. Robinson was guilty of bringing the country into disgrace, was not his lamented colleague, the late Mr. Casgrain, equally so?--they acted in concert. He would take that opportunity of stating to the House that Mr. Casgrain was incapable of so acting, as, he trusted, he himself was. And he desired to state most emphatically that a more amiable, high-minded⁴² ((or)) better⁴³ man he never met with than the late Mr. Casgrain⁴⁴. During the whole time they were connected in the department of public works, there had been no difference of opinion between them, and the remarks of censure passed on him would apply to the memory of his late deceased friend.⁴⁵ Referring to the remarks made by an hon. gentleman on Tuesday, of the impropriety of placing the Assistant Commissioner of Public Works in the Executive Council, he begged to say that it would be a happy thing for this or any other country, if such men as his late colleague were called to their council but he, (Mr. R.) at the same time, asserted that in his opinion, it was inexpedient to place either of the Commissioners of Public Works in the Executive Council--their whole time and attention was required in their office and on their works--and the more they saw of the works under their charge, the better would they be able to discharge their duty. The hon. member for Shefford made a great show of fair dealing and desire to abstain from casting blame on any one. He stated that the Government merely laid a statement of facts before the House, and no accusations. But it now appears that the moment his hon. friend from Huron and his (Mr. R.) backs were turned, and the session was over, they were accused of "bringing the country into disgrace." He, therefore, felt it to be due

to himself to say what he had said and not allow the suspicion to rest on him, of having been dismissed for malversation of office. He felt that both the late government and himself merited the thanks of the country, and not its condemnation, for advancing the public works to completion as rapidly as possible.⁴⁶ He would detain the House but a short time longer.⁴⁷

MR. THOMPSON here rose to order, and requested to know if the hon. gentleman had a right to occupy the attention of the House, when scarcely half an hour remained; with a subject having no connection with the motion before the House.⁴⁸

MR. MORIN ... gave his opinion that hon. gentleman had a right to speak on questions of privilege.⁴⁹

MR. J. S. MACDONALD, of Glengarry ... appeared greatly anxious to move something⁵⁰.

This brought up several other members.⁵¹

It was with great difficulty MR. MORIN could reduce the disputants to order⁵².

When ... ((order)) was effected MR. ROBINSON again rose, and gave place to Sir A. MacNab⁵³.

SIR A. MACNAB hoped the hon. member for Norfolk would withdraw his motion for the present, and he ... would beg to move⁵⁴, with the consent of the Government,⁵⁵ that the petition of John Wellington Gwinne and others, against the return of the Hon. Mr. Cayley for the county of Huron be discharged, as the petitioner had not completed his recognizance according to law.⁵⁶

MR. NOTMAN said, he had intended to have moved to the same effect.⁵⁷

The motion was in the hands of the SPEAKER MR. MORIN⁵⁸.

MR. J. S. MACDONALD (Glengarry,) who had repeatedly risen and attempted to make himself heard, rose and said, as we understood, that he intended to move for the appointment of a Special Committee, to examine witnesses for the election in the County of Stormont.--⁵⁹

A scene of perfect confusion ensued. Several hon. members on both sides of the House ... ((attempted)) to make themselves heard.⁶⁰

Amidst the din, MR. ROBINSON said, it was his intention to move, as an amendment to the motion of Mr. H. J. Boulton, that⁶¹ in the opinion of the House, it is desirable to complete the Welland and other Canals in this Province as soon as possible, in order that the country may derive the full benefit anticipated from their construction; and that the revenue may be speedily relieved from the charge for paying the engineering establishment employed upon them.⁶²

MR. ROBINSON handed the amendment to the Chair, but the House once more became "confused and confounded"⁶³.

Several hon. members objected to the amendment, as having no connection with the original motion.⁶⁴

MR. ROBINSON said, any thing might be moved in amendment.⁶⁵

MR. H. BOULTON said, that to carry such a motion, would be tantamount to voting a want of confidence in the Ministry.⁶⁶

Hon. members again rose on both sides of the House⁶⁷.

Amidst the din the Hon. MR. H. SHERWOOD obtained possession of the floor, and said, he could not conceive what had induced the hon. member from Norfolk to bring forward a motion of such importance at the moment that the Parliament was about being prorogued. To bring it forward for the first time, when the guns which announced the arrival of the Governor General were actually firing! When there was no Minister of the Crown in the House! Why had the question not been introduced in a proper and constitutional manner, by a petition from the people? But no: the hon. gentleman had waited until a great many of the members had gone home, and it would be the last word of the Reporters that a motion had been introduced at such a strange time,--That Legislative Councillors should not vote at elections.⁶⁸

MR. SHERWOOD ... resolutely held ... ((the floor)) until three mysterious knocks summoned the members to appear before His Excellency the Governor-General⁶⁹.

(80)

and the Question being proposed, That no Member of the Legislative Council hath any right to give his vote in the election of any Member to serve in the Commons House of Parliament of this Province;--

Royal assent
to Bills.

A Message from His Excellency the Governor-General, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:--

Mr. Speaker,

I am commanded by His Excellency the Governor General to acquaint this Honorable House, that it is the pleasure of His Excellency that the Members thereof do forthwith attend him in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went up to attend His Excellency; where His Excellency was pleased to give, in Her Majesty's name, the Royal Assent to the following Public and Private Bills:--

Emigration
Bill.

An Act to make better provision with respect to Emigrants, and for defraying the expenses of supporting indigent Emigrants, and of forwarding them to their place of destination, and to amend the Act therein mentioned:

Jurors' Bill
(L.C.).

An Act to remove doubts as to the time from which the provisions of the Act regulating the summoning of Jurors in Lower Canada were intended to have force and effect:

Kingston
Gas Light
Company Bill.

An Act to incorporate "The City of Kingston Gas Light Company:"

Toronto
Athenaeum
Bill.

An Act to incorporate "The Toronto Athenaeum:"

St. Paul's
Church Glebe
Bill.

An Act to authorize the Rector and Church Wardens of St. Paul's Church, London, to sell a part of the Glebe, on certain conditions:

King's Bench
Judgements
Bill (L.C.).

An Act to render executory certain Judgments rendered by the late Courts of King's Bench for Lower Canada:

Quebec
Institut
Canadien Bill.

An Act to incorporate "The Institut Canadien de Québec:"

Shipping of
Seamen Bill.

An Act to amend the Act for regulating the shipping of Seamen, and to fund the fees payable under the said Act:

Flour and
Meal Bill.

An Act to continue and amend the Act for the inspection of Flour and Meal, and to provide for the inspection of Oatmeal:

Dundus Incor-
poration Bill.

An Act to amend the Act to incorporate the Town of Dundus:

Western
Telegraph
Company Bill.

An Act to incorporate "The Western Telegraph Company:"

Butter Inspec-
tion Bill.

An Act to provide for the inspection of Butter in Quebec and Montreal.

(81)

River Moira
Mill Dams
Bill.

An Act to repeal the Act therein mentioned, and to make better provision for the construction of Aprons of Dams upon the River Moira:

Consumers
Gas Company
of Toronto
Bill.

An Act to incorporate "The Consumers' Gas Company of Toronto:"

Montreal
Incorporation
Bill.

An Act to amend the Laws relating to the Incorporation of the City of Montreal:

Expiring
Laws Bill.

An Act to continue for a limited time the several Acts and Ordinances therein mentioned, and for other purposes:

Debentures
Bill.

An Act for raising, on the credit of the Consolidated Revenue Fund, a sum of money required for the Public Service.

Speaker's address to His Excellency.

Then the Honorable the Speaker of the Legislative Assembly addressed His Excellency, as followeth:
May it please Your Excellency,

We, Her Majesty's loyal and faithful Subjects, the Commons of Canada, having taken into our serious consideration the Message of Your Excellency on the subject of the monies required for the Public Service, have voted a Supply to the amount estimated on the part of Your Excellency, although we have not had time to examine fully the financial state of the Province, and to enquire into the details to which the Estimates refer, and having thus evinced our desire to enable Her Majesty to meet the wants of the present year, we fully rely that the grant of Her Majesty's faithful Commons, the Legislative Assembly of Canada, will be applied with due regard to economy and the public resources.

Royal assent to Supply Bill.

The Honorable the Speaker of the Legislative Assembly, then presented the following money Bill:

An Act to grant a certain sum to Her Majesty, for defraying certain Expenses of the Civil Government, for the year one thousand eight hundred and forty-eight.

To this Bill the Royal Assent was signified in the following words:--

"In Her Majesty's name, His Excellency the Governor General thanks her loyal subjects, accepts their benevolence, and assents to this Bill."

His Excellency's Speech.

After which, His Excellency was pleased to make the following Speech to both Houses:--
Honorable Gentlemen of the Legislative Council,
Gentlemen of the Legislative Assembly,

I have reason to believe that I shall best consult the public interest and your convenience by bringing the present Session to a close, with a view to the resumption of our joint labors at an early period.

In pursuance of my declared intentions, I have taken measures for the formation of a new Administration, and I am enabled to apprise you that the arrangements necessary for that purpose are completed.

I trust that the measures which have been adopted by the Provincial and Imperial Parliaments for preventing the recurrence of the calamities by which last year's Immigration to the Province was attended, may effect the objects they are designed to accomplish.

Gentlemen of the Legislative Assembly,

I thank you, in Her Majesty's name, for the readiness with which you have granted the Supplies which are requisite for the Public Service.

Honorable Gentlemen and Gentlemen,

Your attention will necessarily be directed after the recess to various measures for developing the resources of the Province, and promoting the social well-being of its inhabitants.

It is my sincere desire to co-operate with you for the attainment of these important objects, and to abet by all means in my power your endeavours to establish and to increase the happiness and contentment of Her Majesty's subjects in Canada.

Parliament
prorogued.

Then, the Honorable the Speaker of the Legislative Council said:--

Honorable Gentlemen of the Legislative Council,
and Gentlemen of the Legislative Assembly,

It is His Excellency the Governor General's will and pleasure, that this Provincial Parliament be prorogued until Tuesday the second day of May next, to be then here holden; and this Provincial Parliament is accordingly prorogued until Tuesday the second day of May next.

FOOTNOTES: 23 MARCH 1848

1. GLOBE, 25 March 1848, noted: "The House met today shortly after two o'clock. No business was transacted."
2. The JOURNALS report that MacNab made his motion at this point in the proceedings, but newspaper accounts place it later in the day. It would seem that owing to the general confusion of events, the editor of the JOURNALS made an error in the order in which motions were made.
3. The debate on this matter was reported by: MONTREAL GAZETTE, 24, 27 March 1848; MONTREAL TRANSCRIPT, 25 March 1848; LE CANADIEN, 27 March 1848, noted the debate; MORNING CHRONICLE, 24 March 1848, CHATHAM GLEANER, 28 March 1848, GLOBE, 25 March 1848, BRITISH WHIG, 25 March 1848, HAMILTON SPECTATOR, 25 March 1848, and ST. CATHARINES JOURNAL, 30 March 1848, noted the debate in identical accounts.
4. MONTREAL GAZETTE, 27 March 1848, which reported that Boulton made a speech "remarkable for nothing but a brevity very unusual in this honorable gentleman."
5. MONTREAL TRANSCRIPT, 25 March 1848.
6. MONTREAL GAZETTE, 27 March 1848.
7. MONTREAL TRANSCRIPT, 25 March 1848.
8. MONTREAL GAZETTE, 27 March 1848.
9. MONTREAL TRANSCRIPT, 25 March 1848.
10. MONTREAL GAZETTE, 27 March 1848.
11. MONTREAL TRANSCRIPT, 25 March 1848.
12. MONTREAL GAZETTE, 27 March 1848.
13. MONTREAL TRANSCRIPT, 25 March 1848.
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32. MONTREAL GAZETTE, 27 March 1848.
33. MONTREAL TRANSCRIPT, 25 March 1848.
34. MONTREAL GAZETTE, 27 March 1848.
35. MONTREAL TRANSCRIPT, 25 March 1848.
36. MONTREAL GAZETTE, 27 March 1848.

37. IBID., which cited the figure as £500,000.
38. MONTREAL GAZETTE, 27 March 1848, referred to "nearly £900,00."
39. MONTREAL TRANSCRIPT, 25 March 1848.
40. MONTREAL GAZETTE, 27 March 1848.
41. MONTREAL TRANSCRIPT, 25 March 1848.
42. MONTREAL GAZETTE, 27 March 1848.
43. MONTREAL TRANSCRIPT, 25 March 1848.
44. MONTREAL GAZETTE, 27 March 1848.
45. MONTREAL TRANSCRIPT, 25 March 1848.
46. MONTREAL GAZETTE, 27 March 1848.
47. MONTREAL TRANSCRIPT, 25 March 1848.
48. IBID.
49. IBID.
50. MONTREAL GAZETTE, 27 March 1848.
51. IBID., which added: "seemingly desirous of profiting by the few minutes which remained before the expiring, although youthful session, should breathe its last."
52. MONTREAL GAZETTE, 27 March 1848, which referred to Morin as "the polished and amiable" Speaker.
53. MONTREAL GAZETTE, 27 March 1848.
54. MONTREAL TRANSCRIPT, 25 March 1848.
55. MONTREAL GAZETTE, 27 March 1848.
56. MONTREAL TRANSCRIPT, 25 March 1848. -- See above, Footnote 2.
57. MONTREAL TRANSCRIPT, 25 March 1848.
58. MONTREAL GAZETTE, 27 March 1848, which added: "but without the advent of a second Oliver Cromwell there appeared to be no chance of its being put much less carried, for nothing could restrain the volatile and parched-pea-like eccentricities of the hon. member for Glengary ..."
59. MONTREAL TRANSCRIPT, 25 March 1848.
60. IBID.
61. IBID.
62. MONTREAL GAZETTE, 27 March 1848.
63. IBID.
64. MONTREAL TRANSCRIPT, 25 March 1848.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. MONTREAL GAZETTE, 27 March 1848, which added: "who speedily put an end to their sessional existence. Thus ended the last days of the Precedent Parliament of 1848."

INDEX

INTRODUCTION

The following Index is divided into two sections: proper names and subjects. The proper name Index is limited to the names of the men who sat in the Canadian Assembly in 1848. This Index therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or Messengers such as Félix Fortier, Clerk of the Crown in Chancery, who at one time or another addressed the House from within the Bar. It also excludes the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit this section of the Index to members of the Assembly was made necessary by the fact that in 1848 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the proper name Index refers to every occasion when a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The subject Index is based on the Index to the JOURNALS. However, it has been modified, corrected and expanded to render it more useful and complete. In particular, the subjects of all the legislative events reported in the daily Appendices are included in the Index. This Index provides more than a subject analysis of parliamentary events. It also indicates the passage of each particular item through the various stages of the legislative process. It is thus a parliamentary subject Index.

The entries in this Index contain double sets of numbers whenever this is appropriate. One set is contained within parentheses, the other is not. All numbers within parentheses refer to pages in the JOURNALS. All other numbers refer to pages in this Volume. When something is mentioned in the JOURNALS it will be indexed with a double reference. Subjects mentioned only in reconstructed material will be indicated by a single page number. An additional distinction must be made within the category of numbers in parentheses. This category includes italicized numbers which always refer to official communications made in the House, usually Addresses or Messages to or from the Governor-General or the Legislative Council. All words expressed in italics refer to primary subject headings.

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SECTION II: SUBJECTS

A.

ABSENCE, LEAVE OF:--Vide Members.

ACCOUNTS AND PAPERS:--Laid before the House, relative to:

1. Return to an Address of last Session, and one of the present Session, relative to the case of André Benjamin Papineau. Ordered by Address, (8) 77-78. Presented, (52) 437.
2. That His Excellency take measures to discover those responsible who forcibly took possession of the poll-books of Beauharnois County. Ordered by Address, (10) 93. Answer, (52) 436-437.
3. Registrar's report of bonds and securities. Ordered by Act 4 and 5 Vic., cap. 91. Presented, (15) 159.
4. Statement of affairs of the Montreal and Lachine Railroad. Ordered by Act 9 Vic., cap. 82. Presented, (15) 159.
5. Return of immovable property held by the Canada Baptist Missionary Society. Ordered by Act 8 Vic., cap. 102, section 6. Presented, (15) 159.
6. Statement of affairs for 1847 of the Champlain and St. Lawrence Railroad. Ordered by Act. Presented, (18) 242.
7. Statement of affairs of the Sherbrooke Cotton Factory. Ordered by Act 8 Vic., cap. 91. Presented, (18) 242.
8. Peterborough and Port Hope Railway Company's statement of affairs. Ordered by Act 10 Vic., cap. 109. Presented, (23) 283.
9. Quebec Trinity House's accounts for 1847. Ordered by Act. Presented, (27) 294.
10. Reports of Agricultural Societies in Upper and Lower Canada. Ordered by Act 8 Vic., cap. 53 and 54. Presented, (27) 294.
11. Statement of property of the High School of Montreal, and of the revenue and disbursements for the year ending 31 July 1847. Ordered by Act 8 Vic., cap. 104. Presented, (27) 294.
12. Report of the Commissioners for the relief of invalid persons and foundlings, District of Quebec. Ordered by Speaker. Presented, (27) 294.
13. Statement of affairs of the St. Lawrence and Atlantic Railroad Company, to 30 November 1847. Ordered by Act 8 Vic., cap. 25. Presented, (27) 294.
14. Statements from several Chartered Banks and Insurance Companies. Ordered by House, (27) 295. Presented, (65) 502.
15. Accounts of Trustees of the Montreal Turnpike Roads from 1 January 1847 to 29 February 1848. Ordered by Act. Presented, (28) 299.
16. Schedule of Government debentures, outstanding. Ordered by Speaker. Presented, (39) 380.
17. Despatch respecting the Navigation Laws of the United Kingdom. Ordered by Message. Presented, (41-42) 390-391.
18. Despatch relative to the reserved Civil List Bill. Ordered by Message. Presented, (42) 391.
19. Two despatches respecting the reserved Bill for the naturalization of aliens. Ordered by Message. Presented, (42-43) 391-393.
20. Despatch in reply to Address to Her Majesty for a removal of the Imperial duties on Canadian produce, with a statement of articles imported into the United Kingdom from the North American Colonies in

1843, 1844, and 1845, with the rates of duty payable thereon, and the rates under the tariff of 1846. Ordered by Message. Presented, (43-44) 393-398.

21. Despatch from Colonial Secretary, respecting the project of a railroad from Quebec to Halifax. Ordered by Message. Presented, (45) 399. Printed; Referred to the Committee on Railways and Telegraph Lines, (47) 405.
22. Two despatches respecting the reserved Bills for incorporating the following Railway Companies: Woodstock and Lake Erie, Bytown and Britannia, Carillon and Grenville, Lake St. Louis and Province Line, Montreal and Province Line, Canada, New Brunswick, and Nova Scotia, and Toronto Goderich. Ordered by Message. Presented, (45-47) 399-405. Printed; Referred to the Committee on Railways, (47) 405.
23. Report of the Commissioners of Public Works, for 1847. Ordered by Command of His Excellency. Presented, (52) 437. Printed, (66) 507.
24. Report of the Superintendent of elementary education for Lower Canada, for 1846-1847. Ordered by Command of His Excellency. Presented, (52) 437. Printed, (59) 474.
25. Correspondence between the Government and the Great Western Railroad Company. Ordered by Address, (52) 432. Presented; Referred to the Committee on Railways and Telegraph Lines, (57) 470. Vide Railways.
26. Copy of the Security Bond given by Louis E. Dubord, as agent for the "Jesuits' Estates" in the District of Three Rivers. Ordered by Address, (52) 437. Presented, (80) 654.
27. Recommending the issuing of debentures to the extent of £125,000. Presented, (57) 470. Referred, (59) 474.
28. Report from the Inspector General in relation to the sums required for the Service of 1848, with accompanying documents. Ordered by Message. Presented, (58) 473. Referred to the Committee of Supply, (59) 474.
29. Statement of the affairs of the Provincial penitentiary for 1847. Ordered by Act. Presented, (64) 498.
30. Statement of the Real and Personal Estate of the Montreal Mechanics' Institute. Ordered by Act 8 Vic., cap. 98. Presented, (65) 502.
31. For a warrant for £9,564, on account of the contingencies of the House. Ordered by Address, (71) 601. Answer, (77) 622.
32. Assessment rolls for thirteen Districts of Upper Canada, and for the City of Toronto, for 1847. Ordered by Command of His Excellency. Presented, (77) 622.
33. Despatches from the Colonial Secretary, relative to the emigration of last year. Ordered by Message. Presented, (80) 653-654.

ACTS OF PARLIAMENT:--Bill to render unnecessary certain forms of words in Acts of Parliament, presented and read, (59) 477.

ADDRESSES:

1. To His Excellency:--For copies of the documents, &c., applied for last Session, relative to André Benjamin Papineau, also any subsequent complaints against Mr. Papineau, and proceedings consequent thereon, correspondence with him as a Justice of the Peace, or Commissioner of Small Causes, and correspondence with W. O. Stephens, relative to André Benjamin Papineau, or to his own removal or resignation as a Justice of the Peace, (8) 77-78. Vide Accounts And Papers, (1.)
2. To His Excellency:--For copies of certain documents relative to the

accounts of S. P. Jarvis, late Chief Superintendent of Indian Affairs, omitted to be sent down last Session, and of any subsequent correspondence, &c., (8-9) 78-79.

3. To His Excellency:--Praying His Excellency to take measures for the discovery and apprehension of the parties by whom the poll-books for Dundee and St. Anicet were forcibly taken from the Deputy Returning Officers for those places, at the last election for Beauharnois, (10) 93. Vide Accounts And Papers, (2.)
4. To His Excellency:--For a return of the Toronto harbour dues collected in 1847, and accounts connected with the construction of the Queen's Wharf at the entrance of the harbour, (16) 162.
5. To His Excellency:--In answer to His Excellency's speech from the Throne at the opening of this Session, (17-18) 221-222. Committee appointed to draft an Address, (18) 223. Reported, (20-21) 247-248. Read second time, (21) 248. Concurred in, on division, (21) 248-249. Engrossed; Members to present Address; His Excellency appoints to be attended, (21) 249. House waits on His Excellency with the Address; Answer, (22) 253.
6. To His Excellency:--For a copy of the correspondence between the Government and the Great Western Railroad Company. Notice of Motion, 251. Postponed Motion, ((37)) 335. Motion, (52) 432. Vide Accounts And Papers, (25.)
7. To His Excellency:--For a return of patents issued for lands in the County of Waterloo, since 1 January 1847, (51) 431-432.
8. To His Excellency:--For a copy of the Security Bond given by Louis E. Dubord, as agent for the "Jesuits' Estates" in Three Rivers, (52) 437. Vide Accounts And Papers, (26.)
9. To His Excellency:--For copy of all correspondence, &c., relating to the claim of George Herman Ryland, for a pension for the loss of his office as Clerk of the Executive Council, (59) 474-477.
10. To His Excellency:--Notice of Motion for correspondence on pensions for former Executive Councillors, 486. Motion, 542-544. Withdrawn Motion, 544.
11. To His Excellency:--Motion for a survey of the "Long Sault" Rapids on St. Lawrence River, 486-487. Withdrawn Motion, 487.
12. To His Excellency:--For a warrant for £9,564, on account of the contingencies of the House, (71) 601. Vide Accounts And Papers, (31.)
13. To His Excellency:--For a warrant for £5,000, sessional allowance to Members, (71) 607.

-----Addresses for papers and documents not transmitted to the House.

Vide Addresses, To His Excellency, (2, 4, 7, 9.)

AGRICULTURAL PRODUCE:--Petition of the Toronto Board of Trade, for repeal of the duties on agricultural produce, presented; Standing Rule suspended; Petition read, (65) 502. Printed, (65) 503.

-----Vide Accounts And Papers, (20.); Governor General, Messages From His Excellency, (5.)

AGRICULTURAL SOCIETIES:--Vide Accounts And Papers, (10.)

ALE AND BEER:--Petition of William Davis, and others, of Toronto, for a law to prevent the sale of beer, ale, &c., without a licence, (6) 47, (13) 136.

ALIENS:--Petition of Joseph Donegani, for an Act to confirm his title to

certain property, of which his nephews have dispossessed him, as an alien, and to quiet the titles of all persons in a similar situation, (3) 16, (8) 76-77.

-----Vide Accounts And Papers, (19.); Governor General, Messages From His Excellency, (4.)

AMHERSTBURG:--Bill to incorporate the Town of Amherstburg, presented and read, (16) 163.

ASSESSMENTS:--Petitions praying that the assessment rolls may be made out by an officer amenable to the District Council: Of the Municipal Council, District of Wellington, (6) 47, (12) 133. Of Municipal Council, District of London, (22) 254, (26) 288. Of Talbot District, Municipal Council of, (39) 381, (58) 472.

-----Petitions for appointment of Assessors and Collectors by the District Councils, and the transfer of a part of their duties to the Council Clerks: Of the Municipal Council, District of Gore, (19) 243, (25) 287. Of Municipal Council, District of Simcoe, (22) 254, (26) 289. Petition of William B. M'Vity, Clerk of the Peace for Simcoe, against, (22) 254, (26) 289.

-----Petition of the Municipal Council, District of Simcoe, for a more equal system of assessment, (22) 254, (26) 289.

-----Vide Accounts And Papers, (32.)

B.

BANKRUPTCY LAWS:--Petition of the Montreal Board of Trade, for an Act to continue the Act relating to Bankruptcy Laws, and that regulating the inspection of flour and meal, (15) 159, (20) 245. Vide Flour And Meal.

-----Petition of Messrs. Robertson, Masson, & Co., and others, of Montreal, for repeal of the Bankruptcy Laws, and for a provision to terminate cases pending in the Bankrupt Courts, (24) 284, (31) 307-308.

BANKS:--Vide Accounts And Papers, (14.)

BARNSTON:--Vide Education And Schools.

BATHURST DISTRICT:--Petition of J. Egan, and others, for a division of the Bathurst District, (23) 283, (28) 302.

BAYHAM:--Petitions for annexation of Bayham to the District of Brock, in exchange for a part of Nissouri: Of William S. Kanady, (22) 254, (25) 287. Of Municipal Council, District of London, (22) 254, (25) 288.

BEAUHARNOIS CANAL:--Petition of Joseph Watier, and others, for the appointment of new Commissioners for ascertaining their claims for damages caused by the construction of the Beauharnois Canal, (22) 254, (26) 289.

BEAUHARNOIS ELECTION:--Vide Accounts And Papers, (2.); Addresses, To His Excellency, (3.); Election, Controverted, Beauharnois; Governor General, Messages From His Excellency, (8.)

BEER:--Vide Ale And Beer.

BEGLEY, ROBERT JAMES:--Petition of, for an inquiry into a charge of defalcation made against him by the Chief Commissioner of Public Works, (24) 284, (30) 306.

BERTHIER ACADEMY:--Petition of Charles Emond, and others, for aid to that

Institution, (39) 380, (58) 471.

BILLS, PRIVATE:--Time for receiving petitions for Private Bills, extended, (27) 295.

-----Committee on a Private Bill (Western Telegraph) empowered to proceed forthwith to the consideration of the same, without giving a week's notice thereof, as required by the 63rd Rule, (59) 473-474.

-----Exempted from the payment of the usual fee, (60) 479.

-----Reference to Select Committee dispensed with (and Rule suspended for that purpose), (60) 478-479, (61) 484, (64) 497.

-----A Private Bill, The Toronto Consumers' Gas Company Bill, ordered to be engrossed, without having been referred to a Select Committee, as required by the 63rd Rule, (64) 499. Petition of Albert Furniss, on behalf of the Toronto Gas Light and Water Company, praying that the Bill may be recommitted to a Committee of the whole, and the Petitioner be heard by Counsel to represent the claims and rights of the said Company, (65) 502. Motion, that the Bill be recommitted, and that the said Company be heard by Counsel, against its provisions, negatived, on division, and Bill passed, (65-66) 504-505.

BISHOP'S COLLEGE, LENNOXVILLE:--Petition of the Rt. Rev. Lord Bishop of Montreal, praying that the said College may receive the privilege of conferring Degrees, (24) 284, (30) 306.

-----Petition of the Corporation of the Bishop's College, for the usual aid, (24) 284, (30) 306.

BOARD OF WORKS:--Notice of Motion concerning making the office of the Commissioners of the Board of Works non-political, 486.

-----Vide Normand, Edouard.

BONDS AND SECURITIES:--Vide Accounts And Papers, (3.)

BOUNDARIES:--Vide Brock District; Rainham; Wells, Alphonso.

BRANTFORD AND PARIS ROAD:--Petition of Daniel M. Gilkison, and others, for an Act of Incorporation to enable them to construct a turnpike road from Brantford to Paris, (35) 330, (51) 421.

BRIDGES:--Petition of Rev. E. Blyth, and others, for construction of a toll bridge over the River Chateauguay, (15) 159, (20) 245.

-----Petition of Ferdinand Filteau, and others, for reconstruction of the bridge over the River Champlain, (18) 242, (24) 285.

-----Petition of A. LaRocque, and Amable Archambeault, and others, for authority to build a toll bridge over the Rivière L'Assomption, (19) 243, (25) 286. Petition of L. Nolin, and others, against, (27) 294, (31) 308.

-----Petition of Louis Méthot, and others, for the reconstruction of a bridge over a ravine in the Parish of St. Croix, (18) 242, (25) 285.

-----Petition of François Normand, and others, of Three Rivers, for the payment of an amount due them for building bridges over the Rivers St. Maurice, Batiscan, and Ste. Anne de Lapérade, (22) 254, (26) 288.

-----Petition of M. A. Primeau, and A. H. Trottier, for authority to build a toll bridge over the River Chateauguay, (27) 295, (32) 311.

-----Petition of the Municipal Council, County of Yamaska, for aid to build bridges over the Rivers Yamaska and St. Francis, (50) 420, (62) 492.

-----Petition of Louis Legendre, and others, for aid to complete the bridge over the River Duchêne, and to improve the approaches thereto, (50) 420,

(62) 493.

-----Vide Motz, James.

BROCK DISTRICT:--Petition of the Municipal Council, District of Brock, for the appointment of Commissioners to settle disputed boundary lines in that District, (12) 132, (19) 244.

-----Petition of the same, praying that the several Courts may be held in that District more than once in the year, (12) 132, (19) 244.

-----Vide Bayham.

BROCK'S MONUMENT:--Petition of the Municipal Council, District of Niagara, for the reconstruction of Brock's Monument, (28) 300, (40) 383. Motion for referring Petition, negatived, on division, (41) 385-388.

BROWN, GEORGE:--Vide House.

BUCKINGHAM:--Vide Education And Schools.

BURIAL GROUNDS:--Petition of the Municipal Council, District of Niagara, for authority to Municipal Councils to hold lands for burial grounds, (28) 300, (40) 383.

BURRAGE, REV. ROBERT R.:--Petition of, for a pension in consideration of his losses and services, (28) 300, (40) 384.

BUTTER:--Petition of the Montreal Board of Trade, for an Act to regulate the packing and inspection of butter, (15) 159, (20) 245.

-----Bill to provide for the inspection of butter in Quebec and Montreal, presented and read, (38) 337. Motion for second reading, carried, on division, (38) 337-338. Read second time; Committed; Considered, (60) 481. Reported, (64) 497. Engrossed, (64) 498. Motion on title, carried, on division, (65) 503-504. Passed, (65) 504. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 7.)

BYTOWN AND L'ORIGNAL ROAD:--Petition of Charles P. Treadwell, and others, for expenditure of the allowance for the said Road, upon the front road, and for an increase of the amount, (19) 242-243, (25) 286. Motion to refer Petition, (26) 289-290. Amended, on division, and carried, (26) 290.

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CANADA BAPTIST MISSIONARY SOCIETY:--Vide Accounts And Papers, (5.)

CANADA LIFE ASSURANCE COMPANY:--Petition of Hugh C. Baker, and others, for an Act of Incorporation, (27) 295, (32-33) 311. Bill presented and read, (48) 409. Read second time; Rule requiring reference to a Select Committee, suspended; Committed; Considered; Reported; Engrossed, (61) 484. Passed, (62) 492.

CANADA MARINE ASSURANCE COMPANY:--Petition of John Counter, and others, of Kingston, for an Act of Incorporation, (19) 243, (25) 287. Bill presented and read, (48) 410. Ordered for second reading, (61) 484, (64) 499.

CANADA, NEW BRUNSWICK BOUNDARY:--Vide Wells, Alphonso.

CANADIAN PRODUCE:--Vide Accounts And Papers, (20.); Agricultural Produce; Governor General, Messages From His Excellency, (5.)

CANBORO':--Vide Niagara District.

CAP BLANC:--Petition of Richard Tims, and others, for the protection of their rights in the event of the renewal of the leases of certain land called Cap Blanc, (15) 160, (20) 246.

CAPE CHAT:--Vide Gaspé, District Of.

CAYUGA:--Petition of the Municipal Council, District of Niagara, for a division of the Township of Cayuga, (28) 300, (40) 383. Referred, (41) 384. Report a Bill, (63) 494.

CENSUS:--Bill to extend the time for taking the Census for Lower Canada for 1848. Motion, ((37)) 334. Bill presented and read, (37) 334-335. Ordered for second reading, (60) 482.

CHAMBLY COLLEGE:--Petition of the Corporation of the said College, for pecuniary aid, (39) 380, (58) 471.

CHAMPLAIN AND ST. LAWRENCE RAILROAD:--Petition of John Molson, Chairman of the Committee of Management, for relief from the operations of the clause respecting ferries, in the Act amending the Montreal Incorporation Act, (27) 295, (32) 311.

-----Vide Accounts And Papers, (6.)

CHAPERON, GEORGE:--Petition of, for remuneration for his services in opening a communication between La Baie St. Paul and St. Joachim, (15) 160, (20) 246. Referred, (23) 255.

CHARLESTON ACADEMY:--Petition of Charles Jackson, and others, for aid to that Institution, (24) 284, (31) 308.

CHURCH, JOHN J.:--Petition of, for compensation for the destruction of his timber by the laborers employed on the Welland Canal, (39) 381, (58) 472.

CIVIL LIST:--Vide Accounts And Papers, (18.); Governor General, Messages From His Excellency, (3.)

CLARENCEVILLE ACADEMY:--Petition of M. Townsend, and others, for an increased aid to that Institution, (12) 132, (20) 245.

CLARK, DAME ADELAIDE TURCOT:--Petition of the widow of the late John Clark, for a pension, in consideration of the death of her husband from fever contracted in medical attendance upon sick emigrants, (24) 283, (29) 303.

CLARKE ((OR CLARK)), ORANGE:--Petition of, for compensation for loss as a contractor on the London and Chatham Road, (19) 242, (25) 286.

CLERK OF CROWN IN CHANCERY:--Ordered to attend, forthwith, with Returns to Writs of Election, poll-books, &c.; He attends accordingly, (3) 16-17, 24, (28) 300.

-----To attend forthwith, and amend returns; He attends accordingly, (10) 93, (11) 120, (14) 139-140.

COHO, NATHAN S.:--Petition of, for a pension for a wound received during the last war, (6) 47, (13) 136.

COLBORNE DISTRICT:--Petition of G. F. Orde, and others, for repeal of the Act which deprives that District of spring assizes, (50) 420, (62) 493.

COMMITTEE, STANDING:--Appointed, (37) 335-336.

COMPANIES, JOINT STOCK:--Petition of J. T. Brondgeest, and others, of Hamilton, for a general law to authorize the formation of Joint Stock Companies, (19) 243, (25) 286.

-----Vide Norfolk.

CONTINGENCIES:--Vide Accounts And Papers, (31.); Addresses, To His Excellency, (12, 13.); Members.

COUNSEL:--Petition of A. Furniss, praying that the Toronto Consumers' Gas Company Bill may be recommitted, and that he be heard by Counsel to represent the claims of the Toronto Gas Light and Water Company, (65) 502. Motion, that the Bill be recommitted, and that the said Company be heard by Counsel against its provisions, negatived, on division, (65-66) 504-505.

-----Motion, that Mr. Vansittart, charged with a breach of privilege in the return made by him for the County of Oxford, be permitted to be heard by Counsel, negatived, on division, (69) 584-592.

COURTS:--Vide Brock District.

CUSHING, MRS. ELIZABETH L.:--Petition of the widow of the late Dr. F. Cushing, for a pension, on account of the death of her husband while attending the Emigrant Hospital at Montreal, (27) 295, (32) 311.

CUSTOMS:--Vide Agricultural Products; Customs Bill; Governor General, Messages From His Excellency, (5.)

CUSTOMS BILL:--Question concerning the Customs Bill; Answer, 224.

-----Notice of Question concerning proclamation of the Customs Act, 439. Statement on Customs Bill of last Session, 486.

D.

DEAF AND DUMB PERSONS:--Petition of George Taylor, and others, of Standstead, for erection and endowment of an Institution for deaf and dumb persons, (28) 300, (40) 383.

DEBENTURES, GOVERNMENT:--Vide Accounts And Papers, (16, 23, 27, 28.); Governor General, Messages From His Excellency, (9, 10.); Supply.

DEBTORS:--Petition of James A. Chambers, and others, of Farmersville, for appointment of officers to attach the moveable property of debtors about to leave the country, (19) 243, (25) 287.

DECHENE, JEAN BAPTISTE MIVILLE:--Petition of, for compensation for the loss of his schooner in 1816, in assisting the distressed inhabitants of Rimouski, &c., (24) 284, (31) 308.

DEGUISE, PIERRE:--Petition of, for remuneration for his services as Clerk of the Municipal District of St. Thomas, (6) 47, (12) 133.

DE NIVERVILLE, JOSEPH BOUCHER:--Petition of, for remuneration for his services during the last War, (12) 132, (19) 244.

DIVISION COURTS:--Petition of the Municipal Council, District of Johnstown, for the repeal of the Division Courts Act, and the restoration of Commissioners' Courts, (22) 254, (26) 289.

DONEGANI, JOSEPH:--Vide Aliens.

DOUGLASS ((OR DOUGLAS)), JAMES:--Petition of, complaining of the conduct

of the Rev. M'Grath, in relation to a lot of land occupied by the petitioner, and praying to be allowed to purchase the same from Government, (39) 380, (58) 471.

DRUMMOND AND SHERBROOKE:--Petition of G. K. Foster, and others, for erection of certain Townships in those Counties into a County, by name of Richmond, (28) 299, (39) 381.

DUBORD, MR.:--Vide Accounts And Papers, (26.); Addresses, To His Excellency, (8.)

DUNDAS TOWN:--Bill to amend the Dundas Incorporation Act, presented and read, (48) 409. Ordered for second reading, (61) 484. Read second time; Committed; Considered, (64) 498-499. Reported; Engrossed, (64) 499. Passed, (65) 503. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 12.)

DUNHAM HIGH SCHOOL:--Petition of William Baker, and others, for aid to that Institution, (65) 502, (71) 608.

DUNN:--Vide Niagara District.

DUTIES:--Vide Accounts And Papers, (20.); Agricultural Products; Customs Bill; Governor General, Messages From His Excellency, (5.)

E.

EDUCATION AND SCHOOLS:--Petitions for aid: Of William Patton, and others, for a grant towards an establishment for educating young girls, in the Parish of St. Thomas, (3) 16, (7) 75. Of A. W. Kendrick, and others, for aid for an academy to be established in Compton, (6) 47, (12) 133. Of Rev. C. Gauvreau, and others, of Rivière Ouelle, for a grant for an establishment for educating young females, (12) 132, (19) 244. Of Rev. John Cook, D. D., and others, for aid for a school in connection with St. Andrew's Church, Quebec, (24) 285, (31) 308.

-----Petitions for amendments to the Upper Canada School Act: Of the Municipal Council, District of Wellington, (6) 47, (12) 133. Of Municipal Council, Western District, (19) 243, (25) 287. Of Municipal Council, District of London, (22) 254, (25) 288. Of Municipal Council, District of Gore, (22) 254, (26) 288-289. Of Municipal Council, District of Newcastle, (28) 300, (40) 383. Of Charles R. Ellis, of Toronto, (39) 380, (58) 471. Of John Hopkins, and others, of Kingston, (39) 381, (58) 472.

-----Petitions for amendments to the Lower Canada School Act: Of David Trudel, and others, of St. Geneviève, (12) 132, (19) 244. Of Roman Catholic School Commissioners of Quebec, (15) 160, (20) 246. Of D. F. M'Laren, and others, of Litchfield, (23) 283, (28) 302. Of Benjamin Bailey, and others, of Ste. Anne de Lapérade, (24) 284, (30) 306. Of Samuel Anderson, and others, of Rawdon, &c., (28) 299, (40) 382. Of Marcel Lymburner, and others, of Champlain, (28) 299, (40) 382-383. Of T. Toutant, and others, of Champlain, (28) 299, (40) 383.

-----Petition of Luc Hyacinthe Masson, and others, of Dundee, praying that the proceedings on their complaints, as school commissioners, against John M'Gibbon, may be laid before the House, and for relief from their obligation to pay the teachers hired by them, (27) 295, (32) 311.

-----Petition of John Thornton, and others, praying that the Superin-

tendent of Schools may pay over to the Municipality of Barnston its proportion of school moneys since 1 July 1846, (39) 381, (58) 472.

-----Petition of John Macawley, of Buckingham, praying that the schoolmasters in that Township may receive the whole of the amount allowed them by Government, (57) 470, (66) 505.

-----Vide Accounts And Papers, (11, 24.); Indians; Quebec District Association of School Teachers.

ELECTION, CONTROVERTED, BEAUHARNOIS:--Clerk of the Crown in Chancery ordered to attend forthwith, with the return and poll-books; He attends accordingly, and presents the same, (3) 16-17. Referred to a Committee of the whole, (3) 17-22. Bringing up of Beauharnois election postponed, ((6)) 65. Considered, (9) 84-92. Several resolutions reported and agreed to, declaring that Jacob DeWitt had the majority of votes, and ought to have been returned, and that he has a right to take his seat, saving, however, to all candidates and electors the right of contesting the election, (9-10) 92-93. Vide Addresses, To His Excellency, (3.) Mr. DeWitt takes his seat, (10) 93. The Returning Officer, Mr. R. H. Norval, to appear at the Bar on 6 March, carried, on division, (10) 93-99. Order of the Day postponed, on division, (22) 250. He appears accordingly, (23) 256-263. Motion, that there being no charge against him, and he be discharged, negatively, on division, (23) 264-274. He is examined, (23) 274-275. Discharged, (23) 275.

ELECTION, CONTROVERTED, BERTHIER:--Petition of Maurice H. Beaubien ((or Beaulieu)), and others, against David M. Armstrong, presented, (24) 284. Motion, that the Petition be received, (34) 315. Amendment, for substituting "not" for "now", carried, on division, (34) 315-316. Main Motion, as amended, carried, (34) 316.

ELECTION, CONTROVERTED, BONAVENTURE:--Speaker reports recognizance, (27) 294. Clerk of Crown in Chancery to attend, with the return to the last Writ of Election; He attends accordingly, (28) 300. Petition of A. Bebee, and others, presented, (27) 295. Motion that the Clerk of the Crown in Chancery appear before the House and produce the writ of election, carried, ((34)) 316. Motion, that the petition of A. Bebee, and others, against William Cuthbert, be received, (34) 316-317. Amendment, that "not" be substituted for "now", (34) 317-318. Consideration of Motions postponed, (34) 318. Motion to resume consideration thereof, (48) 406. Motion to adjourn, (48) 406-408. Amendment, for appointing a Committee, to enquire whether the Seals of the Justice of the Peace, and of the Judge, affixed to the certificates attached to the petition, were affixed thereto before or since the presentation of the petition, carried, (48) 408-409. Committee appointed, (48) 409. Power to report from time to time; First report, (51) 421-422.

ELECTION, CONTROVERTED, CARLETON:--Petition of George Lyon, against Edward Malloch, (24) 284, (30-31) 306-307.

ELECTION, CONTROVERTED, CORNWALL:--Petition of Charles Rattray, and others, electors, against the Hon. John Hillyard Cameron, (6) 47, (13) 135. Recognizance, (15) 159. Day appointed for consideration of Petition, (27) 290. Order rescinded, (35) 319. Another day appointed, (35) 319-320. Lists of Witnesses, (56-57) 467-468. Ballot, (57) 468-

469. Committee, (57) 469. Special report, of absence of Messrs. Duchesnay, and M'Connell; They are ordered to appear in their places, (63) 495. They appear accordingly, and having stated, on oath, the cause of their absence, are excused, (67) 507. House informed that Committee is sitting, (71) 608-609. Motion, that the Members of the Committee be requested in their places in the House, to enable the House to proceed to business, negatived, on division, (71-72) 609. Speaker leaves the Chair until the Committee returns to the House, (72) 609.

-----Notice of Question concerning election of John Hillyard Cameron, 292. Member desiring to rescind Notice; Overruled, 297.

ELECTION, CONTROVERTED, GLENGARRY:--Petition of Alexander M'Donell, and others, against John Sandfield Macdonald, (24) 283, (29) 303.

ELECTION, CONTROVERTED, HURON:--Petition of John Wellington Gwynne, against the Hon. William Cayley, (24) 283. Motion that the Petition be received, carried, on division, (33) 311-312. Petition read, (33-34) 312-315. Resolution, that the Petition is not now pending, that the Petitioner having failed to enter into the necessary recognizance, (80) 660.

ELECTION, CONTROVERTED, KENT:--Clerk of the Crown in Chancery to attend forthwith, with the return and poll-books; He attends accordingly, and presents the same, (3) 16-17. Motion, that Clerk of Crown produce poll-books and return, ((3)) 25-31. Several resolutions, declaring that Malcolm Cameron, had the majority of votes, and ought to have been returned, and that he has a right to take his seat, saving, however, to all candidates and electors, the right of contesting his election, (14) 137-139. Clerk of Crown in Chancery to attend forthwith and amend the return, (14) 139-140. Return amended; Malcolm Cameron takes his seat, (14) 140. George Wade Foote, Returning Officer, summoned to appear at the Bar on 24 March, (14) 140-152. (Parliament prorogued on 23 March.)

ELECTION, CONTROVERTED, NICOLET:--Withdrawn Motion concerning the election, 323-324.

ELECTION, CONTROVERTED, OXFORD:--Clerk of Crown in Chancery ordered to attend forthwith, with the return, poll-books, and all other papers transmitted to him by the Returning Officer at the last election; He attends accordingly, and presents the same, (3) 23-24. Resolutions read, (3) 24-25. Motion, that in obedience to a Writ of Election, an election was held for Oxford on 28 December 1847, (10) 99-114. Two motions, for postponing consideration of question, negatived, on division, (10) 114, 114-115. Motion to adjourn, negatived, on division, (10) 115-117. Motion, that the only proper mode of determining upon a Controverted Election, for a Member to represent a constituency within Upper Canada, is under the limits of the Act regulating the trial of such Election in Upper Canada, negatived, on division, (10-11) 117. Motion to adjourn; Motion to postpone discussion, negatived, on division, ((11)) 117. Motion for adjournment, negatived, on division, ((11)) 117-119. Main Motion carried, on division; Several other resolutions, declaring that Francis Hincks, had the majority of votes and ought to have been returned, but that the Returning Officer returned Peter Carroll, who has taken his seat pursuant to such return,

(11) 119. Motion, that a due regard for the rights of the electors and the privileges of the House, requires that the return should be amended according to the facts apparent on the poll-books, carried, on division; Clerk of Crown in Chancery to attend and amend the return, reserving to Mr. Carroll and electors the right to contest the return, carried, on division; Return amended, (11) 120. Mr. Hincks takes his seat; John George Vansittart, Returning Officer, to appear at the Bar, and answer for his return, (11) 121. Vide House. Petition of Edmund Deedes, and others, of Oxford, expressing their firm conviction that Mr. Vansittart was influenced by no improper motives in making the return, (58) 471, (66) 505-506. Petition of Edmund Deedes, making known a circumstance which he conceives sufficient to prove the honorable motives by which Mr. Vansittart was actuated, presented; Standing Rule suspended; Petition read, (68) 557. Vide below.

-----Petition of Peter Carroll, against the Hon. Francis Hincks, (24) 283, (30) 305-306. Motion for consideration, 324-325. Postponed Motion, 325. Recognizance, (37) 333. Resolution that Mr. Hincks, who since the election had accepted office, be permitted to defend against the petition, carried, on division, (38) 341-343. Day appointed for consideration of Petition, carried, on division, (38) 343. Order rescinded, (38-39) 380. Another day appointed, (39) 380. Lists of witnesses, (49) 418. Ballot, (49-50) 418-419. Committee, (50) 419-420. Final report, that Mr. Hincks was duly elected, and ought to have been returned, (63) 494.

-----Vide Vansittart, John George.

ELECTION, CONTROVERTED, PRESCOTT COUNTY:--Petition of William K. Mackenzie, against Thomas Hall Johnson, and praying for a new election, (15) 160, (20) 246. Recognizance, (18) 242. Twenty-fourth March appointed for consideration of Petition, (67) 540. (Parliament prorogued on 23 March.)

ELECTION, CONTROVERTED, PRINCE EDWARD:--Petition of Robert B. Conger, and others, opposing candidate, and others, electors, against David Barker Stevenson, (6) 74, (15) 160-161. Petition withdrawn, (35) 320.

ELECTION, CONTROVERTED, RUSSELL:--Petition of Archibald Petrie, against George B. Lyon, (7) 74, (16) 161-162. Resolution, that the Petition is not now pending, Petitioner having failed to enter into a recognizance, (53) 438.

ELECTION, CONTROVERTED, ST. HYACINTHE:--Petition of P. C. Phaneuf, and others, against Thomas Bouthillier, presented, (22) 253. Motion, that the Petition be received, (28) 300. Amendment, that it not be received, carried, (28) 301-302. Main Motion, as amended, agreed to, (28) 302.

ELECTION, CONTROVERTED, STORMONT:--Petition of Donald Aeneas Macdonell, opposing candidate, and others, electors, against Alexander M'Lean, presented, (6) 47. Recognizance, (6) 74. Petition read, (12-13) 133-135. Day appointed for consideration, (26-27) 290. Order rescinded, and another day appointed, (35) 319. Lists of witnesses, (53-56) 456-465. Ballot, (56) 465-466. Committee, (56) 466-467. Petitioner allowed to add to his list of witnesses, (67) 540. Special report, of absence of Mr. Drummond; He is ordered to appear in his place, (68) 558. He attends, and having stated, upon oath, the cause

of his absence, is excused by the House, (77) 622.

ELECTION, CONTROVERTED, THREE RIVERS, TOWN:--Clerk of Crown in Chancery ordered to attend forthwith, with the return and poll-book; He attends accordingly, and presents the same, (3) 16-17. Motion that the Clerk present poll-book, carried, ((3)) 22-23. Petition of Antoine Polette, one of the candidates, complaining of the election, and praying that he may be declared duly elected, (3) 16, (7-8) 75-76. Motion, that in obedience to a Writ of Election, an election for Three Rivers was held on 29 December, (14) 152-154. Superseded by Previous Question, (14-15) 154. Recognizance, (23) 283. Petition of Pierre Benjamin Dumoulin, a candidate, against the election, (27) 295, (32) 309-310. Petition of Pierre Vezina, and others, electors, in favor of Mr. Polette, (24) 285, (36-37) 330-333. Petition of Pierre Benjamin Dumoulin withdrawn, (49) 412. Petitions of Antoine Polette, and of Pierre Vezina, and others, withdrawn, (50) 420-421.

ELECTION, CONTROVERTED, WATERLOO COUNTY:--Petition of Adam Johnston Fergusson, and others, against James Webster, and in favor of Mr. Fergusson, (24) 283, (29-30) 303-305. Recognizance, (57) 469. Twenty-fourth March appointed for consideration of Petition, (68) 558. (Parliament prorogued on 23 March.)

-----Motion, that the only proper mode of determining upon a Controverted Election for a Member to represent a constituency within the limits of Upper Canada, is under the provisions of the Act for the trial of Controverted Elections in Upper Canada, negatived, on division, (10-11) 117.

-----Parties allowed to add to their lists of witnesses, (67) 540.

ELECTION, CONTROVERTED, YORK, FOURTH RIDING:--Petition presented against Robert Baldwin, ((24)) 284. Petition withdrawn, ((34)) 315.

ELECTIONS:--Petitions for amendments to the Election Law: Of George Simley, and others, of Waterloo, (7) 74, (16) 161. Of Samuel Penfold, and others, of Waterloo, (36) 330, (51) 421. Of John Macfarlane, and others, of Waterloo, (39) 381, (58) 472.

-----Bill to amend the Election Law, presented and read, (16) 163. Ordered for second reading, (60) 480. Order for second reading discharged, (64) 498.

-----Motion, that no Member of the Legislative Council has a right to vote in the election of any Members of the Legislative Assembly; Superseded by prorogation, (80) 665.

ELECTIONS, WRITS ISSUED DURING THE SESSION:--

| FOR WHAT PLACE | IN THE ROOM OF | ON WHAT ACCOUNT |
|--------------------|-------------------------|-----------------------------------|
| | Hon. Thomas Cushing | |
| Quebec City. . . . | Aylwin. | Accepted Office, (34) 318. |
| | Hon. Louis Hypolite | |
| Montreal City. . . | LaFontaine. | Accepted Office, (34) 318. |
| York, | | |
| North Riding . . . | Hon. Robert Baldwin . . | Accepted Office, (34-35) 318-319. |
| York, | James Hervey | |
| South Riding . . . | Price, Esq. | Accepted Office, (35) 319. |

| FOR WHAT PLACE | IN THE ROOM OF | ON WHAT ACCOUNT |
|----------------------|----------------------------|----------------------------|
| | Hon. Louis Hypolite | |
| Terrebonne | LaFontaine. | Accepted Office, (35) 319. |
| Verchères. | James Leslie, Esq. | Accepted Office, (35) 320. |
| | Malcom | |
| Kent | Cameron, Esq. | Accepted Office, (51) 421. |
| | Hon. Francis | |
| Oxford | Hincks. | Accepted Office, (67) 540. |
| Three Rivers, | | |
| Town | No Return | (67) 540-541. |

ELMSLEY, NORTH:--Vide Montague And North Elmsley.

EMIGRATION:--House resolves to go into Committee, to consider of amending the Indigent Emigrants' Act, 4 and 5 Vic., cap. 13, and of making further provision respecting Emigration, (6) 48-52. Considered, (6) 52-65. Four resolutions reported, (9) 79. First two resolutions agreed to, (9) 79-80. Motion, to recommit the third resolution, negatived, on division, (9) 80-83. Fourth resolution agreed to, (9) 83. Vide below.

-----Bill to make better provision respecting emigrants, and to defray the expense of supporting indigent emigrants, presented and read; Rule suspended; Read second time; Committed; Considered, and amended; Rule suspended; Reported, (9) 83. Engrossed, (9) 84. Recommitted; Considered, (14) 136. Further amended; Passed, (14) 137. By the Council, (15) 159. Royal Assent, (80) 665. (11 Vic., cap. 1.)

-----Petitions for adoption of measures for preventing a recurrence of the evils arising from the pauper emigration of last year: Of Municipal Council, District of Wellington, (6) 47, (12) 133. Of W. H. Boulton, Mayor, on behalf of the inhabitants of Toronto, (12) 132, (19) 243-244.

-----Petition of the Rt. Rev. Roman Catholic Bishop of Montreal, for indemnification for expenses incurred in relieving distressed emigrants last season, and for a provision for the coming season, (27) 294, (31) 308.

-----Petition of the Rt. Rev. Lord Bishop of Montreal, for indemnification of those clergymen who incurred expenses by their attendance on sick emigrants at Point St. Charles last season, (50) 420, (62) 493.

-----Vide Accounts And Papers, (33.); Clark, Dame Adelaide Turcot; Cushing, Mrs. Elizabeth L.; Governor General, Messages From His Excellency, (11.)

ESTIMATES, PUBLIC:--Vide Accounts And Papers, (23, 27, 28.); Governor General, Messages From His Excellency, (9, 10.)

EVANS, WILLIAM:--Petition of, representing his losses, &c., from the devotion of his time and money to the promotion of agriculture, and praying relief, (27) 295, (32) 311.

EXECUTIVE COUNCILLORS:--Vide Addresses, To His Excellency, (10.)

EXPIRING LAWS:--Vide Laws, Expiring.

F.

FISHERIES:--Petition of George S. Tiffany, and others, of the Gore District, for the greater protection of the fisheries, by increasing the penalty for violating the law, (62) 491, (66) 506.

FLOUR AND MEAL:--House resolves to go into Committee, to consider of amending the Act, 4 and 5 Vic., cap. 89, providing for the inspection of flour and meal, (38) 339. Considered, (38) 339-341. Three resolutions reported and agreed to, (48-49) 410-411. Vide below.

-----Bill to continue and amend the Act for Inspection of flour and meal, and to provide for the inspection of oatmeal, presented and read, (49) 411. Read second time; Committed, (61) 484-485. Considered; Reported; Engrossed, (61) 485. Passed, (62) 492. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 6.)

-----Vide Bankruptcy Laws.

FOOTE, GEORGE WADE:--Vide Election, Controverted, Kent; House.

FORMS OF WORDS:--Vide Acts Of Parliament.

FOUNDLINGS AND INVALIDS:--Vide Accounts And Papers, (12.)

G.

GAGNE, ALEXIS:--Petition of, for remuneration as Returning Officer at the Parish Elections in St. Louis de Kamouraska, since 1841, (27) 294-295, (31) 309.

GAME:--Petition of Rev. P. Routier, and others, of St. Louis, for an Act to protect game at certain seasons, (6) 47, (13) 136.

GASPE, DISTRICT OF:--Bill to amend the Gaspé Judicature Act, presented and read, (14) 137.

-----Petition of Louis Leclerc, and others, of Ste. Anne des Monts, and Cape Chat, praying that their settlements may be made into a separate municipality, (28) 299, (40) 382.

GEARY, JOHN:--Petition of, for payment of a balance due him for labor on the London and Brantford Road, (28) 299, (39) 382.

GORE DISTRICT:--Petition of the Municipal Council, District of Gore, against a division of the District, (22) 254, (26) 288.

GOVERNMENT:--Vide Addresses, To His Excellency, (10.); Ministry.

GOVERNOR GENERAL:--His Excellency's Speech at the opening of the Session, reported by Mr. Speaker, (2-3) 14-15. Day appointed for taking the same into consideration, (3) 15. Consideration deferred, (14) 137. Considered, (16) 163. Vide below. Motion, for an Address to thank His Excellency for his Speech from the Throne, &c., (16-17) 163-179. A Motion of an amendment, moved and carried, on division, (17) 179-221. Main Motion, as amended, agreed to, (17) 221. Address ordered, (17-18) 221-222. Vide Addresses, To His Excellency, (5.)

-----Speech further considered, (38) 344. Motion, that a supply be granted to Her Majesty, (38) 344-366. To be considered in a Committee of the whole, (38) 367. Vide Supply.

-----Gives the Royal Assent to Bills, (80-81) 665-666.

-----His speech at the close of the Session, (81) 667.

-----Conversation prior to delivery of Message from His Excellency, (41) 388-389.

GOVERNOR GENERAL, MESSAGES FROM HIS EXCELLENCY:--

1. Desiring the attendance of the House in the Legislative Council Chamber, (1) 1, (2) 13, (80) 665.
2. Transmitting copies of despatches from the Colonial Secretary, respecting the Navigation Laws, (41-42) 390-391.
3. Transmitting copies of despatches from the Colonial Secretary respecting the Civil List Bill, (42) 391.
4. Transmitting copies of despatches from the Colonial Secretary, respecting the Bill for the Naturalization of Aliens, (42-43) 391-393.
5. Transmitting copies of despatches from the Colonial Secretary, respecting the removal of Imperial duties on Canadian produce, (43-44) 393-398.
6. Transmitting copies of despatches from the Colonial Secretary, respecting the Halifax and Quebec Railway, (45) 399. Printed, (47) 405. Vide Railways.
7. Transmitting copies of despatches from the Colonial Secretary respecting the reserved Railway Bills, (45-47) 399-405. Printed, (47) 405. Vide Railways.
8. Informing the House that he has offered a reward for the apprehension of the persons concerned in the destruction of the poll-books for Dundee and Ste. Anicet, in the County of Beauharnois, during the late election, (52) 436-437.
9. Recommending the issue of debentures to the extent of £125,000, to meet the exigencies of the Public Service, connected with the Public Works, (57) 470. Referred to the Committee of Supply, (59) 474. Vide Supply.
10. Recommending an advance of £125,000 for Public Works, and £140,000 to meet the expenses of the Government for the current year; and transmitting a report from the Inspector General in reference thereto, with other documents, (58) 473. Vide Accounts And Papers, (28.). Referred to Committee of Supply, (59) 474.
11. Transmitting copies of despatches from the Colonial Secretary, relative to the emigration of last year, (80) 653-654. Vide Accounts And Papers, (33.)

GREAT BRITAIN:--Imports into, from British North America. Vide Accounts And Papers, (20.)

GREAT WESTERN RAILROAD COMPANY:--Petition of the said Company, for an amendment of their Charter, by abolishing the Corresponding Committee in England, presented, (62) 491. Standing Rule suspended; Petition read; Referred to the Committee on Railways and Telegraph Lines, (63) 493-494.

-----Petition of the same, for public aid to secure the completion of the Railroad, presented, (62) 491. Standing Rule suspended; Petition read; Referred to the Committee on Railways and Telegraph Lines, (63) 493-494.

-----Vide Accounts And Papers, (25.); Addresses, To His Excellency, (6.); Railways.

GRIFFITH, THOMAS:--Petition of, for compensation for destruction of his

property during his absence on militia duty, (50) 420, (62) 493.

GRIMSBY:--Petition of David ((or Daniel)) Palmer, and others, for establishment of the Concession Road allowances in that Township, (12) 132, (19) 244. Referred, (22-23) 255.

GROSSE ISLE:--Motion for appointment of a Select Committee to enquire into the management of the quarantine establishment, 439-447. Withdrawn Motion, 447.

H.

HALDIMAND COUNTY:--Petition of the Niagara District Council, relative to the want of a Registry Office for the County of Haldimand, (28) 300, (40) 383. Referred, (41) 385.

-----Petition of Richard Martin, and others, on behalf of the Agricultural Society of Haldimand, praying that that County may enjoy the same privileges as Agricultural Districts, (65) 502, (71) 608.

HALIFAX TOWNSHIP:--Petition of Joseph Huot, and others, of the Township of Halifax, representing their distress from the total failure of their harvest last year, and praying relief, (39) 381, (58) 472.

HALIFAX AND QUEBEC RAILROAD:--Vide Accounts And Papers, (21.); Governor General, Messages From His Excellency, (6.)

HAMILTON AND PORT DOVER ROAD:--Petition of James O'Loame, and others, complaining of the unequal mode of levying tolls on the said Road, (19) 242, (25) 286.

HARBOUR DUES:--Vide Addresses, To His Excellency, (4.)

HIGH SCHOOLS:--Vide Accounts And Papers, (11.)

HOUSE:--Attends His Excellency at the Bar of the Legislative Council Chamber: At the opening of the Session, (1) 1. After the election of the Speaker, (2) 13. At the close of the Session, (80) 665. At Government House, with the Address in answer to the Speech, (22) 253.

-----Names taken on division: Affirmative, (10) 98, (11) 119, 120, (17) 221, (21) 248-249, (37) 336, (38) 338, 343, (51) 426, 431, (62) 491, (65) 504, (69) 595.

-----Names taken on division: Negative, (1-2) 7, (9) 83, (10) 114, 116-117, (23) 274, (41) 387-388, (60) 480, (69) 591-592, (72) 609, (78) 635.

-----House divides without taking the names, (10) 114, (11) 117, ((11)) 117, 118, (11) 120, (22) 250, (26) 290, (33) 312, (34) 316, (35) 322, ((38)) 343, (51) 431, (63) 496, (66) 505, (67) 540, (70) 595.

-----Adjournment to a particular hour on a future day, (2) 8-9, (23) 255-256.

-----Adjourns to an earlier hour than usual on the following days, (22) 250, (80) 654. A later hour, (23) 275, (27) 296.

-----House informed that the Cornwall Election Committee is in Session; Motion, that the Members of the Committee be requested to attend in their places in the House, with a view to proceeding with the business of the House, negatived, on division; Speaker leaves the Chair until the Committee return to the House, (71) 609.

PERSONS SUMMONED TO APPEAR AT THE BAR OF THE HOUSE.

- Foote, George Wade: Returning Officer at the late election for Kent. On the 24 March, to answer for his conduct in relation to his return to the Writ of Election, (14) 140-152. (The Legislature was prorogued on the 23 March, consequently Mr. Foote did not appear.)
- Norval, Robert H.: Returning Officer at the late election for Beauharnois. On the 6 March ensuing, (10) 93-99. His appearance at the Bar, (23) 256-263. Motion, that there being no charge against him, he be discharged, negatived, on division, (23) 264-274. He is examined, (23) 274-275. Discharged, (23) 275.
- Vansittart, John George: Returning Officer at the late election for Oxford: On the 21 March, to answer for his return, (11) 121. He appears in attendance, and is called in, (69) 580. Motion, that Vansittart, having taken on himself to return Peter Carroll, as Member for Oxford, contrary to the majority of votes on the poll-book in favor of the Hon. Francis Hincks, acted illegally and in breach of the privileges of the House, (69) 580-584. Amendment, that a copy of any resolution to be adopted by the House, be furnished to Vansittart, that he be allowed twenty-four hours to prepare his defence, and that he be heard by counsel, negatived, on division, (69) 584-592. Main motion carried, on division, (69) 592-595. Resolution, that he do appear forthwith at the Bar, and that he be heard in his defence, carried, on division, (69-70) 595. He appears accordingly, and addresses the House, (70) 595-598. He is examined by the House, (70) 598-600. He is directed to withdraw, (70) 600. Case postponed till next day, and George Brown, then to appear and give evidence, (71) 601. Consideration resumed, (77) 622. George Brown called in and examined, (77-78) 622-634. Motion, that Brown's answer to the third question contains hearsay evidence, and is therefore inadmissible, negatived, on division, (78) 634-635. His examination concluded, (78-79) 635-642. Vansittart called in, and permitted to address the House in reference to the evidence of George Brown, (79) 642-644. Withdraws, (79) 644. Petition of Vansittart, to be allowed time to bring witnesses to disprove some of the statements made by Brown, presented; Standing Rule suspended; Read, (80) 644. Resolution, allowing him until the fourth day of next Session to produce the evidence offered in his Petition, and requiring him to appear at the Bar on that day, (80) 644-653.
- Vide Addresses, To His Excellency, (12, 13.); Privileges Of House; Representation, Increase Of.

HURON COPPER BAY COMPANY:--Bill to incorporate the Huron Copper Bay Company, presented and read, (8) 77. Ordered for second reading, (60) 480.

I.

INDIANS:--Select Committee appointed to inquire if certain documents, relative to Indian affairs, which appear in the APPENDIX to the JOURNALS of last Session as having been sent down by the Executive Government, did in reality emanate from the Government, (6) 47-48.

-----Petition of Joseph Metsalabolet, and others, of the Indian Village of Bécancour, for the support of a Missionary among them, out of the

proceeds of the "Jesuits' Estates", (3) 16, (7) 74.

-----Petition of Rev. Joseph Maurault, and others, of the Indian Village of St. François du Lac St. Pierre, for a grant out of the "Jesuits' Estates" to rebuild a school house therein, (3) 16, (7) 74.

-----Petition of Ignace Portneuf, and others, Chiefs, &c., of the Abenakis Village of St. Francis, for the confirmation of their appointment of a Trustee, (27) 295, (31-32) 309.

-----Vide Addresses, To His Excellency, (2.)

INDUSTRY, HOUSES OF:--Petition of the Municipal Council, District of London, for a repeal of the Act relating to Houses of Industry, so far as it affects that District, (22) 254, (25) 287-288.

INSTRUCTION TO A COMMITTEE:--Vide Intemperance.

INSURANCE OFFICES:--Vide Accounts And Papers, (14.)

INTEMPERANCE:--Select Committee appointed to inquire and report what Legislative measures can be adopted to repress the evils growing out of Intemperance. Notice of Motion, 251. Motion, (52) 432-436. Instruction, to inquire into the expediency of making drunkenness an indictable offence, &c., (52) 436. Petition of Rev. William Bell, A.M., and others, relative to the suppression of Intemperance, (58) 471, (66) 506. Referred to above Committee, (66) 507.

INVALIDS AND FOUNDLINGS:--Vide Accounts And Papers, (12.)

J.

JARVIS, S. P.:--Vide Addresses, To His Excellency, (2.)

JESUITS' ESTATES:--Vide Accounts And Papers, (26.); Addresses, To His Excellency, (8.); Indians; Regiopolis, College Of.

JOINT STOCK COMPANIES:--Vide Companies, Joint Stock.

JOLIETTE COLLEGE:--Petition of Hon. Barthelemy Joliette, for aid to that Institution, (50) 420, (62) 492.

JOURNALS:--Entries in JOURNALS of former Sessions, again read: Relative to Address on case of André Benjamin Papineau, (8) 77. Vide Addresses, To His Excellency, (1.) Niagara District Town, (59) 478. Vide Niagara District.

JUDGMENTS:--Petition of Elias Burnham, and others, of Peterboro', for such an amendment of the Act 9 Vic., cap. 36, as to allow judgments to be entered up in the several Districts, (50) 420, (62) 493.

JURORS:--Petition of John D. Bostwick, and others, of St. Francis, for the payment of Jurors in Canada East, (6) 47, (12) 133.

-----Bill to remove doubts as to the time from which the Act regulating the summoning of Jurors in Lower Canada was to take effect, presented and read, (16) 162. Read second time; Engrossed; Passed, (49) 412. By the Council, (68) 559. Royal Assent, (80) 665. (11 Vic., cap. 2.)

JUSTICE, ADMINISTRATION OF:--Petition of J. Baptiste C. Dupuis, and others, of L'Islet, &c., for establishment of a permanent and less expensive system of judicature in the remote parts of the Province, (6) 47, (12) 133.

-----Petitions for payment of the expenses of the Administration of Justice in Canada West out of the Provincial chest: Of Municipal Council, District of Victoria, (6) 47, (13) 135-136. Municipal Council, District of Johnstown, (15) 160, (20) 245-246. Municipal Council, District of Colborne, (19) 243, (25) 286. Municipal Council, District of Simcoe, (22) 254, (26) 289.

K.

KING'S BENCH, LOWER CANADA:--Bill to render executory certain judgments of the late Courts of King's Bench for Lower Canada, presented and read, (48) 410. Read second time; Engrossed, (60) 482-483. Passed, (62) 492. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 4.)

KING'S COLLEGE:--Petitions against a division of the endowment of King's College, and against any public provision for Theological Institutions: Of Municipal Council, District of Brock, (12) 132, (19) 244. Of the Municipal Council, District of London, (22) 254, (25-26) 288.

-----Vide Regiopolis, College Of.

KINGSTON CITY:--Petition of the City Council of Kingston, for an amendment to their Act of Incorporation, (58) 470, (66) 505.

KINGSTON GAS LIGHT COMPANY:--Petition of John Counter, and others, for an Act of Incorporation as the Kingston Gas Light Company, (12) 132, (19) 244. Bill presented and read, (37-38) 337. Read second time; Committed; Considered, (60) 482. Reported; Engrossed; Standing Rule suspended; Passed, (64) 498. By the Council, (68) 559. Royal Assent, (80) 665. (11 Vic., cap. 13.)

L.

LANCASTER AND NEW LONGUEUIL:--Petition of John M'Cuaig for a settlement of the boundary line between Lancaster, Upper Canada, and New Longueuil, Lower Canada, (28) 299, (39) 382.

LANDS:--Petition of William Caldwell, and others, of the Western District, for an extension of the time for the payment of the fees on their lands, and for a reduction of the fees in all cases, (3) 16, (7) 74.

-----Bill relating to letters patent for public lands in Lower Canada, presented and read, (14) 137. Order for second reading discharged, (60) 480.

-----Petition of the Municipal Council, District of Colborne, for payment of all land taxes to the treasurer of the District in which the land is situated, (19) 243, (25) 287. Referred, (66) 506.

-----Petition of the Municipal Council of, Western District, complaining of the insufficiency of the law passed by them for taxing the lands of absentees, and praying relief, (19) 243, (25) 287. Petition of the Municipal Council, District of London for authority to recover such taxes, (22) 254, (26) 288.

-----Vide Addresses, To His Excellency, (7.); Rainham; Surveyors.

LANGEVIN, JEAN:--Petition of, for the payment of certain claims against the Municipal Council of Quebec, (22) 254, (26) 289.

LARIVE, MICHEL:--Petition of, for indemnification for expenses incurred in constructing roads through St. Germain, St. Luce, &c., (22) 254, (26) 288.

L'ASSOMPTION, COLLEGE OF:--Petition of J. B. Meilleur, and others, for a grant to the said College, (19) 243, (25) 286.

LAWS, EXPIRING:--Bill to continue certain Acts, for a limited time. Standing Rule suspended, (35) 320. Bill presented and read, (35) 320-321. Read second time; Committed, (49) 411. Order of the Day postponed, (59) 474. Considered; Reported; Engrossed, (67) 541. Passed, (68) 557. By the Council, (72) 609. Royal Assent, (81) 666. (11 Vic., cap. 3.)

LEGISLATIVE COUNCIL:--Speech of Legislative Council's Speaker, (1) 1, (2) 13.

-----Motion, that no Member of the Legislative Council has a right to vote in the election of any Member of the Legislative Assembly, (80) 660-665. Superseded by Prorogation, (80) 665.

LEGISLATIVE COUNCIL, MESSAGES FROM THE:--Agreeing to Bills, (15) 159, (68) 559, (72) 609.

-----Returning a Bill, with an amendment, (72) 609.

LENNOXVILLE COLLEGE:--Vide Bishop's College, Lennoxville.

LETTERS PATENT:--Vide Lands.

LIBRARY:--Vide Montreal Association Of Teachers.

LIBRARY, LEGISLATIVE ASSEMBLY OF:--Vide Speaker.

LINDSAY, WILLIAM BURNS:--Vide Addresses, To His Excellency, (12.)

LONDON DISTRICT:--Vide Industry, Houses Of.

LONDON MANUFACTURING COMPANY:--Petition of L. Lawrason, and others, of London, for an Act of Incorporation for manufacturing purposes, (12) 132, (19-20) 245. Referred, (22) 255. Alteration in Committee; Power to report by Bill, (35) 321. Report a Bill, (47) 405. Read second time; Reference to a Select Committee dispensed with, and Rules suspended; Committed; Considered, (61) 483-484. Reported; Engrossed, (64) 498. Passed, (65) 503.

LONDON, ST. PAUL'S CHURCH:--Petition of the Rector and Church Wardens of the said Church, for authority to dispose of certain Church Lands, (12) 132, (19) 244-245. Referred, (22) 254-255. Report a Bill, (37) 333. Read second time; Committed; Considered; Reported; Engrossed, (60) 482. Passed, (62) 492. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 18.)

LONG SAULT RAPIDS:--Vide Addresses, To His Excellency, (11.)

M.

MARKHAM AND ELGIN MILLS ROAD:--Petition of Ashton Fletcher, and others, for an Act of Incorporation to construct a plank road from Yonge Street, near Elgin Mills, to the 8th Concession of Markham, (19) 243, (25) 287. Referred, (63) 494. Report a Bill, (68) 558.

MARRIAGE:--Petition of the Wesleyan Methodist Conference, for a law to permit persons authorized to solemnize matrimony in Upper Canada, to do the same in Lower Canada, (24) 284, (31) 308.

MARTIN, J. B.:--Petition of, for the payment of his claim against the Municipal Council of Kamouraska, (28) 300, (40) 384.

MCGILL COLLEGE:--Petition of the Medical Faculty, of McGill College for an increased grant, (24) 284, (31) 308.

MEAL:--Vide Flour And Meal.

MEGANTIC:--Petition of Rev. James Nelligen ((or Nelligan)), and others, Roman Catholic Clergymen, for laws to facilitate the attainment of property, and the completion of the roads in that County, (18) 242, (24-25) 285. Referred, (26) 289.

MEMBERS:--Postage on all letters, not exceeding 1 oz., and printed papers, to and from Members, and on Petitions, to be charged to the Contingencies, (3) 15.

-----Take the oaths and their seats, (1) 1, (3) 41, (18) 242. Pursuant to decisions of the House, upon Special Returns, (10) 93, (11) 121, (14) 140.

-----Obtain leave of absence, (16) 163, (63) 495, (71) 607.

-----Added to Committees, (48) 410, (51) 422, 426, 431, (66) 507.

-----Excused from serving on Election Committees, (50) 419, (56) 466.

-----Reported absent from Election Committees; Ordered to attend in their places, (63) 495, (68) 558. They attend, and having stated the cause of their absence, and verified the same on oath, are excused by the House, (67) 507, (77) 622.

-----Members, not of the Executive Council, lay Accounts and Papers before the House, by desire of His Excellency, (52) 437, (64) 498, (77) 622, (80) 653-654.

-----Resolution, that the Sessional allowance to Members be £50, and mileage at the rate of ten shillings for twenty miles in coming and in returning, (71) 607.

MEMORANDA:--Vide Written Memoranda.

MENNONITES:--Vide Militia.

MESSAGES:--Vide Governor General, Messages From His Excellency; Legislative Council, Messages From The.

M'GIBBON, JOHN:--Vide Education And Schools.

MILITIA:--Petition of Philip Wismer, and others, of Niagara District, for repeal of so much of the Militia Law as imposes fines on Quakers, Mennonites, and Tunkers, refusing to do Militia duty in time of war, (12) 132, (19) 244.

MILLS:--Petition of William Kirk, and others, of Hemmingford, &c., praying to be allowed free ingress and egress to the mills and machinery of the United States, for the purposes of domestic milling, (12) 132, (19) 243.

MINISTRY:--Resignation of, ((21)) 249, ((22)) 253.

-----Announcement of accepted resignation, 297.

-----Vide Addresses, To His Excellency, (10.)

M'INTOSH, JOHN:--Petition of, for remuneration for articles furnished the militia during the rebellion, (28) 299, (39) 382.

MOIRA, RIVER:--House resolves to go into Committee to consider of amending the Act relating to slides on the River Moira; Considered; Resolution, for repealing in said Act, and making the provision therefor, reported, and agreed to; Bill presented and read, (52) 436. Read second time; Committed; Considered, (61) 485. Reported; Engrossed, (64) 498. Passed, (65) 503. By the Council, (68) 559. Royal Assent, (81) 666. (11 Vic., cap. 10.)

MONTAGUE AND NORTH ELMSLEY:--Petition of William Simpson, and others, for repeal of the Act regulating the line of the 4th Concession of those Townships, (39) 381, (58) 472. Petitions against: Of John M'Gill Chambers, (24) 285, (31) 308. Of James Atchison, and others, (58) 471, (66) 506.

MONTREAL AND LACHINE RAILROAD COMPANY:--Petition of the Company, for authority to borrow money at any rate of interest, and for an increase of their Capital Stock, (19) 243, (25) 286.

-----Vide Accounts And Papers, (4.)

MONTREAL ASSOCIATION OF TEACHERS:--Petition of F. X. Valade, and others, for aid to the said Association to establish a library, (27) 295, (31) 309.

MONTREAL CATHOLIC ORPHAN ASYLUM:--Petition of Mrs. M. A. F. Viger, and others, for aid to that Institution, (28) 299, (39) 382.

MONTREAL CITY:--Petition of the Mayor, Aldermen, and citizens, for amendments to the Act establishing the Mayor's Court, (3) 16, (7) 75. Referred, (14) 136. Bill reported, (23) 255. Read second time; Committed, (60) 480-481. Considered, (64-65) 499. Reported; Engrossed, (67) 507. Passed, (67) 508. By the Council, with an amendment, (72) 609. Considered, and agreed to, (77) 621-622. Royal Assent, (81) 666. (11 Vic., cap. 11.)

-----Petition of Robert W. S. Mackay, for assistance in the publication of a map of the City of Montreal, (39) 380, (58) 471.

-----Vide Champlain And St. Lawrence Railroad.

MONTREAL GENERAL HOSPITAL:--Petition of the Corporation of the said Hospital, for pecuniary aid, (39) 380-381, (58) 472.

MONTREAL HIGH SCHOOL:--Vide Accounts And Papers, (11.)

MONTREAL LADIES BENEVOLENT SOCIETY:--Petition of, for the usual aid, (24) 283, (30) 305.

MONTREAL LYING-IN HOSPITAL:--Petition of Mrs. Adèle B. LaFontaine, and others, for aid to that Institution, (39) 380, (58) 472.

MONTREAL MECHANICS' INSTITUTE:--Vide Accounts And Papers, (30.)

MONTREAL NEW CITY GAS COMPANY:--Petition of, for amendments to their Act of Incorporation, (3) 16, (7) 75.

MONTREAL PROTESTANT ORPHAN ASYLUM:--Petition of the Ladies Directresses, for aid to that Institution, (24) 283, (30) 305.

-----Petition of the same, for aid to erect a building, (24) 283, (30) 305.

- MONTREAL SCHOOL OF MEDICINE:--Petition of F. T. C. Arnoldi, M. D., and others, praying that the said School may be placed on an equality with the Medical Faculty of McGill College, and for pecuniary aid therefor, (39) 380, (58) 471.
- MONTREAL "SISTERS OF MERCY:--Petition of, for an Act of Incorporation, (27) 294, (31) 309.
- MONTREAL TELEGRAPH COMPANY:--Petition of, for amendments to their Act of Incorporation, (19) 243, (25) 286.
- MONTREAL TURNPIKE ROADS:--Petition of John Clark, and others, complaining of injustice sustained by them from the operations of the Montreal Road Trustees, (24) 284, (31) 308.
-----Vide Accounts And Papers, (15.)
- MONTREAL UNIVERSITY LYING-IN HOSPITAL:--Petition of Mrs. Margaret Lunn, and Mrs. A. Durnford, for aid to that Institution, (39) 381, (58) 472.
- MORIN, AUGUSTIN NORBERT:--Vide Speaker.
- MORTGAGERS:--Bill for the sale under execution, of the interest of Mortgagers, in Upper Canada, presented and read, (59) 477.
- MOSA AND WILLIAMS:--Petition of the Municipal Council, District of London, relative to the collection of taxes in those Townships, for 1845, (27) 294, (31) 308. Bill to provide for the collection of taxes for 1845, in Mosa, presented and read, (48) 410. Ordered for second reading, (60-61) 483, (64) 499.
- MOTIONS, NOTICES OF:--Given by several members, 32.
-----Two or three notices of Motion, 439.
- MOTZ, JAMES:--Petition of, praying to be secured in the possession of the toll-bridge over the River Etchemin, (3) 16, (7) 75.
- MOULTON:--Vide Niagara District.
- MUNICIPALITIES, LOWER CANADA:--Petitions for a revival of the Parish Municipal Councils: Of Rev. John O'Grady, and others, of Ste. Catherine de Fossambault; of J. E. Pageot, and others, of L'Ancienne Lorette, (12) 133, (20) 245. Antoine Légaré, and others, of Ste. Foye, (28) 300, (40) 384. Of M. F. Valois, and A. C. D. De Celles, County of Montreal, (39) 381, (58) 472.
-----Petitions for repeal or amendment of the Municipal Council Act: Of T. Toutant, and others, of Champlain, (28) 299, (40) 383. Of Municipal Council, County of Portneuf, (50) 420, (62) 492.
- MUNICIPALITIES, UPPER CANADA:--Petitions for amendments to the Municipal Council Act: Of John Jarron, and others, of Niagara District, (19) 242, (25) 285-286. Of the Municipal Council, District of Gore, so as to pay the wardens, (19) 243, (25) 287. Of Municipal Council, District of Simcoe, respecting election of District Councillors, (22) 254, (26) 289. Of Municipal Council, District of Ottawa, increase of pay to District Councillors, (24) 284, (30) 306. Of Warden and Members of London District, Municipal Council of, (50) 420, (62) 492.
-----Vide Assessments; Burial Grounds; Lands; Poor; Registrars.

N.

NAVIGATION LAWS:--Vide Accounts And Papers, (17.); Governor General, Messages From His Excellency, (2.)

NEPEAN:--Petition of George B. Hopper, and others, for completion of the survey of Concession A, Rideau front, of that Township, (12) 132, (19) 243.

NEW LONGUEUIL:--Vide Lancaster And New Longueuil.

NIAGARA AND DETROIT RIVERS RAILROAD:--Petition for renewal of the Railroad's Charter, presented, 323.

NIAGARA DISTRICT:--Petition of the Municipal Council, District of Niagara, for authority to provide for the maintenance of insane persons in that District, (28) 300, (40) 383.

-----Petition of the same, relative to the boundaries of Dunn, Moulton, Canboro', and Sherbrooke, (28) 300, (40) 383. Referred, (41) 384-385. Petition of Alexander M. Lockhart, and others, relative to the boundaries of Sherbrooke Forest, referred, (66) 506.

-----Petition of Alexander M. Lockhart, and others, praying that a portion of Moulton may be added to Sherbrooke Forest, or that the latter Township may remain entire, (61) 491, (66) 506. Referred to the Committee on the preceding petition, (66) 506. Vide above.

-----Petition of the Niagara District Council, for removal of the site of the District Town to a more central position, (28) 300, (40) 383-384. Referred, (51) 421. Entries in JOURNALS of 1846 relative to same subject, read, (59) 478. Referred to the Committee, (59-60) 478. Report, (68) 558.

NIAGARA FALLS SUSPENSION BRIDGE COMPANY:--Petition of the Company for amendments to their Act of Incorporation, (35) 330, (51) 421. Referred, (51) 421.

NICOLET SEMINARY:--Petition of the Corporation of the Seminary of Nicolet, for increased aid, (28) 299, (39) 381.

NORFOLK:--Bill to authorize the formation of Joint Stock Companies in Norfolk, for the construction of plank or macadamized roads therein, presented and read, (9) 79. Ordered for second reading, (21) 250. Seventy-first Rule, fee of £20, suspended in relation thereto, (60) 478-479. Motion for second reading, negatived, on division, (60) 479-480. Restored to the Orders of the Day, on division, (63) 495-496.

NORMAND, EDOUARD:--Petition of, for an enquiry into the proceedings of the Board of Works respecting his claim for damages, &c., (28) 300, (40) 384.

NORTH AMERICAN COLONIES:--Imports into United Kingdom from, vide Accounts And Papers, (20.)

NORVAL, MR. R. H.:--Vide Election Controverted, Beauharnois; House.

NOTARIES:--Vide Registrars.

NOTICES OF MOTION:--Vide Motions, Notices Of.

O.

OATMEAL:--Vide Flour And Meal.

ORDERS:--That the postage on all letters, not exceeding 1 oz., and printed papers, to and from Members, and on Petitions, be charged to the Contingencies, (3) 15.

-----Extending the time for presenting private Petitions, (27) 295.

-----That John George Vansittart, be allowed until the fourth day of next Session to produce testimony in support of his case against the evidence of George Brown, and that he do attend at the Bar on that day, (80) 644-653.

-----That the Clerk do write to James Partridge, portrait painter to Her Majesty, requesting him to forward the likeness of Her Majesty, painted for the House, (80) 660.

-----Standing Orders suspended: Relative to Bills, (9) 83, (35) 320, (63) 493-494, (64) 497, 498, (69) 580. Private Bills, (59) 473, (60) 479, (61) 483, 484. Petitions, (65) 502, (68) 557, (80) 644.

ORDERS OF THE DAY:--A certain item to be first on the Orders of a future day, (14) 137, (59) 474. Second, (59) 474.

-----Orders of the Day postponed, (22) 250, (23) 255-256, (27) 290, 295, (35) 321-322.

-----Motion for taking up an item on the Orders; Superseded by amendment, (48) 406-409.

-----Measures withdrawn by their movers, ((48)) 409.

-----Certain Orders of the Day discharged, (60) 480, (64) 498.

-----A Bill restored to the Orders of the Day, (63) 495-496.

-----Motion for postponing the remaining Orders, negatived, on division, (67) 540.

OSGOODE:--Petition of Abraham Moon, and others, for relief from the operation of the Osgoode Survey Act, (18) 242, (24) 285. Bill to exempt certain Concessions from the operation of the Act, presented and read, (48) 409-410. Read second time; Engrossed, (60) 482. Read third time; Motion, for passing; Amendment, for recommitting Bill, carried, on division; Main Motion, as amended, carried, on division, (62) 491.

OTTAWA COUNTY:--Petition of James Blackburn, and others, for erection of the County of Ottawa into a separate District, (22) 254, (26) 288.

OTTAWA GLASS COMPANY:--Petition of W. A. Townsend, and others, for an Act of Incorporation as the Ottawa Glass Company, (22) 254, (26) 288.

P.

PACAUD, LOUIS EDWARD ((OR EDOUARD)):--Petition of, for remuneration for his services as Commissioner of the Bankrupt Court for Three Rivers, (12) 132, (19) 244.

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Anderson, Samuel, and others: vide Education And Schools.

Archambeault, Amable, and others: vide below, LaRocque, A., and Amable Archambeault, and others.

Arnoldi, F. T. C., M.D., and others: vide Montreal School Of Medicine.

Atchison, James, and others: vide Montague And North Elmsley.

B.

Bailey, Benjamin, and others: vide Education And Schools.

Baker, Hugh C., and others: vide Canada Life Assurance Company.

Baker, William, and others: vide Dunham High School.

Barber, Henry J., and others: vide Roads And Bridges.

Baxter, John W., and others: vide Roads And Bridges.

Beaubien ((or Beaulieu)), Maurice H., and others: vide Election, Controverted, Berthier.

Beaudry, Rev. A., and others: vide Tavern Licences.

Bebée, A., and others: vide Election, Controverted, Bonaventure.

Begly, Robert James.

Bélanger, Jean, and others: vide Quebec City.

Bell, Rev. William, A.M., and others: vide Intemperance.

Berczy, Charles, and others: vide Toronto Consumers' Gas Company.

Bettridge, Parson, and others: vide Election, Controverted, Oxford.

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Black, William, and others: vide Quebec City.

Blackburn, James, and others: vide Ottawa County.

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Blyth, Rev. E., and others: vide Bridges.

Bostwick, John D., and others: vide Jurors.

Boucher de Niverville, Joseph: vide De Niverville, Joseph Boucher.

Boulton, W. H., and others: vide Emigration.

Bourke, Rev. Charles, and others: vide Regiopolis, College Of.

Bradley, William, and others: vide Roads And Bridges.

Brock, Municipal Council, District of: vide Brock District; King's College.

Brondgeest, J. T., and others: vide Companies, Joint Stock; Sault de Ste. Marie; Usury Laws.

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 Burnham, Elias, and others: vide Judgments.
 Burrage, Rev. Robert R.
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C.

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 Caldwell, William, and others: vide Lands.
 Cameron, Malcolm, and others: vide Western Telegraph Company.
 Cannon, Rev. J. F., and others: vide Regiopolis, College Of.
 Carrhae, Rt. Rev. Bishop of, and others: vide Regiopolis, College Of.
 Carroll, Peter: vide Election, Controverted, Oxford.
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 Chambers, John M'Gill: vide Montague And North Elmsley.
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 Chapman, Albert, and others: vide Rebellion Losses.
 Chapman, Simcoe, and others: vide Welland, River.
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 Cook, Rev. John, D.D., and others: vide Education And Schools.
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 Counter, John, and others: vide Canada Marine Assurance Company; Kingston Gas Light Company.
 Cowan, P., and others: vide Roads And Bridges.
Cushing, Mrs. Elizabeth L.
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 Cuthbertson, James, and others: vide Sault De Ste. Marie Copper Company.

D.

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 Deedes, Edmund: vide Election, Controverted, Oxford.
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Deguise, Pierre.
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 Denys, Louis, and others: vide Roads And Bridges.

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F.

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 Forbes, T. J., and others: vide Roads And Bridges.
 Fortier, Rev. Louis T., and others: vide Roads And Bridges.
 Foster, G. K., and others: vide Drummond And Sherbrooke; Richmond Academy.
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G.

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 Geary, John.
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 Great Western Railroad Company.
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 Groux, Rev. A., and others: vide Rebellion Losses.
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H.

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J.

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K.

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 Kendrick, A. W., and others: vide Education And Schools.
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L.

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 Lalor, Rev. M., and others: vide Regiopolis, College Of.
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 Larivé, Michel.
 LaRocque, A., and Amable Archambeault, and others: vide Bridges.
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 Lebourdais, Rev. Messire, and others: vide Rivière du Loup.
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 Lefrançois, Rev. A., and others: vide Quebec Turnpike Roads.
 Légaré, Antoine, and others: vide Quebec District Association Of School Teachers; Municipalities, Lower Canada.
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 Lockhart, Alexander M., and others: vide Niagara District.
 London, Municipal Council, District of: vide Assessments; Bayham; Education And Schools; Industry, Houses Of; King's College; Lands; Mosa And Williams.
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 Lunn, Mrs. Margaret, and Mrs. A. Durnford: vide Montreal University Lying-In Hospital.
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 Lymburner, Marcel, and others: vide Education And Schools.
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M.

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- Macdonell, Rev. Archibald John, and others: vide Regiopolis, College Of.
- MacDonell, Archibald John, and others: vide Regiopolis, College Of.
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- MacDonnell, Rev. Michael, and others: vide Regiopolis, College Of.
- Macfarlane, John, and others: vide Elections.
- Mackay, Robert W. S.: vide Montreal City.
- Mackenzie, William K.: vide Election, Controverted, Prescott County.
- Marler, G. L., and others: vide Registrars.
- Martin, J. B.
- Martin, Richard, and others: vide Haldimand County.
- Masson, & Co., and others: vide below, Robertson, Masson, Messrs., & Co., and others.
- Masson, Luc Hyacinthe, and others: vide Education And Schools.
- Masson, S. H., and others: vide Salmon River.
- Maurault, Rev. Joseph, and others: vide Indians.
- McGill College.
- M'Cuaig, John: vide Lancaster And New Longueuil.
- M'Donald, F. A., and others: vide Upton.
- M'donell, Alexander, and others: vide Election, Controverted, Glengarry; Regiopolis, College Of.
- M'Donell, Duncan, and others: vide Regiopolis, College Of.
- M'Donnell, William, and others: vide Roads And Bridges.
- Meilleur, J. B., and others: vide L'Assomption, College Of.
- Meloche, J. B., and others: vide Rebellion Losses.
- Méthot, Louis, and others: vide Bridges.
- Metsalabolet, Joseph, and others: vide Indians.
- Millar, R. J., and others: vide Roads And Bridges.
- M'Intosh, John.
- M'Laren, D. F., and others: vide Education And Schools; Roads And Bridges.
- M'Lean, D. C., and others: vide Roads And Bridges.
- Molson, John: vide Champlain And St. Lawrence Railroad.
- Montreal And Lachine Railroad Company.
- Montreal Board of Trade: vide Bankruptcy Laws; Butter; St. Peter, Lake.
- Montreal General Hospital.
- Montreal Ladies Benevolent Society.
- Montreal, Mayor, Aldermen, and Citizens of: vide Montreal City.
- Montreal New City Gas Company.
- Montreal Protestant Orphan Asylum.
- Montreal, Roman Catholic Bishop of: vide Emigration.
- Montreal, Rt. Rev. Lord Bishop of: vide Bishop's College, Lennoxville; Emigration.
- Montreal "Sisters Of Mercy".
- Montreal Telegraph Company.
- Moon, Abraham, and others: vide Osgoode.
- Moore, John, and others: vide Roads And Bridges.
- Moreau, Rev. H., and others: vide Rebellion Losses; Roads And Bridges.
- Morin, Rev. A., and others: vide Rebellion Losses.
- Motz, James.

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N.

Nelligen ((or Nelligan)), Rev. James, and others: vide Megantic.

Newcastle, Municipal Council, District of: vide Education And Schools;
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Nicolet Seminary.

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Normand, Edouard.

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O.

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P.

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Pageot, J. E., and others: vide Municipalities, Lower Canada.

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Phaneuf, P. C., and others: vide Election, Controverted, St. Hyacinthe.

Plamondon, Marc Aurèle, and others: vide Quebec "Institut Canadien".

Polette, Antoine: vide Election, Controverted, Three Rivers, Town.

Portneuf, Ignace, and others: vide Indians.

Portneuf, Municipal Council, County of: vide Municipalities, Lower Canada.

Potvin, Rev. J. B., and others: vide Roads And Bridges.

Powell, I. W., and others: vide Port Dover.

Primeau, M. A., and A. H. Trottier: vide Bridges.

Q.

Quebec Literary And Historical Society.

Quebec Roman Catholic Charitable Association: vide Quebec Charitable Association Of Roman Catholic Ladies.

Quebec Roman Catholic Board of School Commissioners: vide Education And Schools.

R.

Rattray, Charles, and others: vide Election, Controverted, Cornwall.

Ridout, G. P.: vide Toronto Athenaeum.

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 Robertson, James, and others: vide Port Granby Harbour.
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S.

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 St. Germain, Hyacinthe, and others: vide Rebellion Losses.
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 Shaw, James, and others: vide Smith's Falls Road Company.
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 Simcoe District, Municipal Council of: vide Assessments; Justice, Administration Of; Municipalities, Upper Canada; Registrars; Roads And Bridges; Simcoe District.
 Simley, George, and others: vide Elections.
 Simpson, William, and others: vide Montague And North Elmsley.
 Stuart, Lady E., and others: vide Quebec Infant School.
 Stuart, George O., and others: vide Quebec Protestant Cemetery Association.

T.

Talbot District, Municipal Council of: vide Assessments.
 Taylor, Mrs. Eliza: vide Quebec Protestant Female Orphan Asylum.
 Taylor, George, and others: vide Deaf And Dumb Persons.
 Tétu, N., and others: vide Roads And Bridges.
 Thomas, D., and others: vide Roads And Bridges.
Thompson, Mrs. Hannah.
Thompson, Joseph Richard.
 Thornton, John, and others: vide Education And Schools.
 Tiffany, George S., and others: vide Fisheries.
 Tims, Richard, and others: vide Cap Blanc.
Toronto Athenaeum.
 Toronto Board of Trade: vide Agricultural Produce.
 Toutant, T., and others: vide Education And Schools; Municipalities, Lower Canada.
 Townsend, M., and others: vide Clarenceville Academy.
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Trafalgar, Esquesing, And Erin Road Company.
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 Tremblay, F., and others: vide Roads And Bridges.
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 Trudel, David, and others: vide Education And Schools.
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V.

Vachon, J. B., and others: vide Timber.
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Valois, M. F., and A. C. D. De Celles: vide Municipalities, Lower Canada.
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 Viger, Mrs. M. A. F., and others: vide Montreal Catholic Orphan Asylum.
 Voller ((Or Vollar)), James.

W.

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 Wellington, Municipal Council, District of: vide Assessments; Education And Schools; Emigration; Township Officers; Wellington District.
 Wells, Alphonso.
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 Wismer, Philip, and others: vide Militia.
 Wood, Samuel, and others: vide St. Catharines.
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Y.

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11. That the Toronto Consumers' Gas Company Bill be recommitted, and that the Toronto Gas Light and Water Company be heard by Counsel before the Committee against the provisions of the Bill, on division, (65-66) 504-505.
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13. Amendment to Motion, that Mr. Vansittart acted illegally in Oxford election, on division, (69) 584-592.
14. That the Members of the Cornwall Election Committee be requested to attend in their places in the House, with a view to proceeding with the business of the House, the House having been informed that the Committee was in session, on division, (71-72) 609.
15. That the answer given by George Brown to one of the questions put to him by the House, in his examination relative to the case of John George Vansittart, contains hearsay evidence, and is therefore inadmissible by the Law of Evidence and the practice of Parliament, on division, (78) 634-635.

QUESTIONS SUPERSEDED:--

1. That in obedience to a Writ of Election duly issued, &c., an election was held for the Town of Three Rivers, on the 29 December last; Superseded by Previous Question, (14-15) 154.
2. That Petition of P. C. Phaneuf, and others, be received; Superseded by amendment, (28) 300-302.
3. Motion for taking up consideration of A. Bebee's Petition; Superseded by amendment, (48) 406-409.

4. For passing the Bill relating to the survey of Osgoode; Superseded by amendment, on division, (62) 491.
5. That no Member of the Legislative Council has a right to vote in the election of any Member of the Legislative Assembly; Superseded by prorogation, (80) 665.

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RAILWAYS:--Standing Committee on Railways and Telegraph Lines, appointed, on division, (37) 335-336. Members added, (48) 410, (51) 422. Members added, on division, (51) 422-426. Motion to add Members, (51) 426-430. Amendment to Motion, negatived, on division, (51) 430-431. Main Motion, carried, on division, (51) 431. Power to report from time to time, (52) 432. Subjects referred: Despatches respecting the Halifax and Quebec Railroad; Reserved Railway Bills, (47) 405. Western Telegraph Bill, (52) 438. Correspondence between the Government and the Great Western Railroad Company, (57) 470. Leave to Committee to proceed forthwith to the consideration of the Western Telegraph Bill, without the week's notice required by the Sixty-third Rule, (59) 473. Petitions of the Great Western Railroad Company, for amendment of their Charter, by abolishing the Corresponding Committee in England, and for pecuniary aid, (63) 493-494.

-----First report of Committee, on Western Telegraph Bill, (59) 473.

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-----Vide Accounts And Papers, (4, 6, 8, 13, 21, 22, 25.); Addresses, To His Excellency, (6.); Governor General, Messages From His Excellency, (6, 7.)

RAINHAM:--Petition of the Municipal Council, District of Niagara, for indemnification to the owners of lots of land in that Township, diminished by defining the boundary lines, (28) 300, (40) 383.

REBELLION LOSSES:--Petitions for the payment of the Rebellion Losses: Of Albert Chapman, and others, of Foucault, (22) 253, (25) 287. Of Rev. A. Morin, and others, (39) 381, (58) 472. Of Rev. H. Moreau, and others, of St. Eustache; of J. B. Meloche, and others, of St. Augustin; of Hyacinthe St. Germain, and others, of St. Eustache; of Rev. A. Groux, and others, of St. Benoit, (50) 420, (63) 493.

REGIOPOLIS, COLLEGE OF:--Petitions for a provision for the support of the College of Regiopolis, at Kingston, either from the property of King's College, Toronto, or from the proceeds of the "Jesuits' Estates": Of Rev. Archibald John Macdonell, and others, of Alexandria; of Rev. George A. Hay, and others; of Rev. J. F. Cannon, and others, of Cornwall; of Duncan M'Donell, and others, of St. Raphael, (24) 283, (29) 302. Of Rev. Alexander Macdonell, and others, of L'Orignal, (24) 283-284, (29) 302. Of Rev. M. Lalor, and others, of Picton; of Rev. Charles Bourke, and others, of Tyendinaga, (24) 284, (29) 302. Of Rev. John Foley, and others, of Johnstown District; of the Rt. Rev. Bishop of Carrhae, and others, of Kingston; of Rev. Michael MacDonnell, and others, of Camden, (24) 285, (29) 302. Of Rev. Hugh Fitzpatrick, and others, of Ops and Emily; of Edward King, and others, of Kemptville and Merrickville, (24) 285, (29) 303. Of Archibald John MacDonell, and others, of Cobourg, (27) 294, (29) 303. Of Rev. John Butler, and others, of Peterborough, (24) 284, (30) 306.

REGISTRARS:--Petition of the Municipal Council, District of Home, for a reduction of the fees of registrars, and for authority to them to erect suitable registry offices, (6) 47, (13) 136.

-----Petition of the Municipal Council, District of Simcoe, for a discretionary power to Municipal Councils in the erection of registrars' offices and vaults, (22) 254, (26) 289.

-----Petition of G. L. Marler, and others, of Three Rivers, praying that the offices of notary and registrar may not be held by the same person, (28) 299, (40) 382.

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RICHMOND ACADEMY:--Petition of G. K. Foster, and others, for aid to the Institution, (28) 299, (39) 381.

RIMOUSKI:--Petition of the Municipal Council of Rimouski, for a division of the said County, for the purposes of registration, &c., (6) 47, (13) 136.

-----Petition of Alexis Rivard, and Joseph Garon, for remuneration for their services as Warden and Clerk of the late Municipal Council of Rimouski, (15) 159, (20) 245.

-----Petition of Joseph Garon, and others, of Rimouski, praying that certain lands may be ceded to them, &c., (22) 254, (26) 288.

RIVIERE DU LOUP:--Petition of Rev. Messire Lebourdais, and others, for improvement of the Rivière du Loup, (12) 132, (19) 244.

ROADS AND BRIDGES:--Petitions for aid: Of John T. Cooper, and others, road from Dunnville to Port Dover, (6) 47, (12) 133. Of Municipal Council, District of Victoria, road from Belleville to rear of District, (6) 47, (13) 136. Of Rev. Louis T. Fortier, and others, a road in Bulstrode, (6) 74, (16) 161. Of Rev. J. B. Potvin, and others, a road through Somerset and other townships, (7) 74, (16) 161. Of D. Thomas, and others, continuation of Arthabaska Road to Richmond, (12) 132, (19) 244. Of Peter Carroll ((or Perry)), and others, Rouge Hill and Whitby Road, (15) 160, (20) 245. Of Henry J. Barber, and others, road from Waterford to the Hamilton and Port Dover Road, by Government, and not by a private Company, (15) 159, (20) 245. Of Thomas Davis, and others, road from Dudswell to rear of Shipton, (19) 242, (25) 286. Of Rev. M. Chauvin, and others, road from Parish of St. Urbain to Ha! Ha! Bay, (19) 243, (25) 287. Of Municipal Council, District of Simcoe, road from Barrie to Orillia, (22) 254, (26) 289. Of the same, road from Barrie to Penetanguishine, (22) 254, (26) 289. Of D. F. M'Laren, and others, road from Portage du Fort to head of the Calumet Rapids, (23) 283, (28) 302. Of Gardner Church, and others, road between the mouth of the Gatineau and the Victoria Farm; of D. C. M'Lean, and others, roads in the County of Ottawa, (24) 283, (29) 302. Of Orin J. Kemp, and others, road from the North Sutton Road to Stanstead Plain; of John Moore, and others, road from Quebec to County of Sherbrooke; of Jacob Hoover, and others, road from Dunnville

to Dover Mills, (24) 284, (30) 306. Of John W. Baxter, and others, road from Stanstead Plain to Georgeville, (24) 284, (31) 308. Of P. Cowan, and others, road from Stanstead to Longueuil, (24) 285, (31) 308. Of François Xavier Rousseau, and others; of Adrien Blouin, and others, the Lambton Road, (27) 294, (31) 308. Of Thomas C. Allis, and others, road from Dudswell to Lot 9 in Shipton; of the same, Arthabaska Road, from Lot 27, first Range of Kingsey, to Danville, (28) 299, (39) 381. Of Rev. L. Dufour, and others, Blandford Road, (28) 299, (39) 381. Of W. Demers, and others, road from St. Edouard de Gentilly to St. Jean Les Chaillons, and a bridge over Rivière aux Orignaux, (28) 299, (39) 382. Of Joseph Vallée, and others, road from extremity of Matane to Cape Chat; of Rev. J. Doucet, and others, and of Chiefs and Indians residing in rear of L'Isle Vert, road from thence to Lake Temiscouata; of R. J. Millar, and others, Quebec Road, from Arthabaska Road to Sherbrooke and Montreal Road, (28) 299, (40) 382. Of Louis Denys, and others, Lambton Road, and a bridge over the River Chaudière; of Vincent Dubé, and others, continuation of road commencing at 3rd concession of Ste. Anne de la Pocatière, (28) 300, (40) 384. Of Rev. P. Patry, and others, road from Kapiboucheka to St. Stanislas, (35) 330, (51) 421. Of William M'Donnell, and others, main road through Ops and Mariposa, (39) 380, (58) 471. Of Richard E. Vidal, and others, road on shore of Lake Huron, through Sarnia and Plympton, (39) 381, (58) 472. Of H. Lyman, and others, road from Granby to Nelsonville; of Rev. H. Moreau, and others, road from Lachapelle's Bridge to the Eustache Bridge, (50) 420, (63) 493. Of T. J. Forbes, and others, road from the Ottawa to the St. Lawrence, (57) 470, (66) 505. Of N. Tétu, and others, completion of road from Rivière des Trois Pistoles to Lake Temiscouata, and construction of landing places below Quebec, (65) 502, (71) 608.

-----Petition of William Bradley, and others, praying that a certain road allowance in Caledonia may be granted to William Bradley, in lieu of an allowance made by him for the like purpose, (39) 380, (58) 471. Referred, (66) 507.

-----Petition of F. Tremblay, and others, for indemnification for expenses incurred as contractors on the road called Le Chemin des Caps, (65) 502, (71) 608.

-----Vide Brantford And Paris Road; Bytown And L'Orignal Road; Megantic; Queenston And Grimsby Road; Simcoe District; Weston Plank Road.

ROOT RIVER MINING COMPANY:--Petition of John F. Elliott, and James Cuthbertson, for incorporation of the Root River Mining Company, (39) 381, (58) 472. Bill presented and read, (59) 477-478.

RYLAND, GEORGE HERMAN:--Vide Addresses, To His Excellency, (9.)

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ST. CATHARINES:--Petition of Samuel Wood, and others, for an Act of Incorporation to turnpike the Mill Road from St. Catharines to the top of the Mountain, (12) 132, (19) 244. Referred, (22) 255.

-----Petition of the Board of Police of St. Catharines, for amendments to their Act of Incorporation, (39) 381, (58) 472.

ST. CHARLES, RIVER:--Vide Quebec Turnpike Roads.

ST. HYACINTHE, COLLEGE OF:--Petition of the Members of the said College, for aid to erect a more suitable building, (15) 159, (20) 245.

ST. HYACINTHE, SISTERS OF CHARITY:--Petition of, for aid, (27) 294, (31) 309.

ST. LAWRENCE AND ATLANTIC RAILROAD COMPANY:--Petition of, for public aid, (6) 47, (13) 136.

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ST. PAUL'S CHURCH:--Vide London, St. Paul's Church.

ST. PETER, LAKE:--Petition of the Montreal Board of Trade, for a resumption of the works for deepening Lake St. Peter, (24) 284, (30) 306.

STE. ANNE DES MONTS:--Vide Gaspé, District Of.

STE. THERESE DE BLAINVILLE, COLLEGE OF:--Petition of Rev. Messire Ducharme, for a grant to that Institution, (19) 243, (25) 286.

SALMON RIVER:--Petition of S. H. Masson, and others, for improvement of that River, (19) 243, (25) 287.

SAULT DE STE. MARIE:--Petition of J. T. Brondgeest, and others, of Hamilton, in favor of constructing a canal round the Falls thereat, (19) 243, (25) 286.

SAULT DE STE. MARIE COPPER COMPANY:--Petition of James Cuthbertson, and others, for incorporation of the Sault de Ste. Marie Copper Company, (39) 381, (58) 472. Bill presented and read, (59) 477.

SCHOOLS:--Vide Education And Schools.

SEAMEN:--House resolves to go into Committee, to consider of amending the Act regulating the shipping of Seamen; Considered, (59) 478. Resolution reported and agreed to, (63-64) 497. Bill presented and read; Standing Rule suspended; Read second time; Engrossed; Passed, (64) 497. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 5.)

SESSIONAL ALLOWANCE:--Vide Members.

SHEFFORD ACADEMY:--Petition of Stephen S. Foster, and others, for aid to that Institution, (24) 285, (31) 308.

SHERBROOKE ACADEMY:--Petition of the Trustees of that Institution for the usual aid, (28) 300, (41) 384.

SHERBROOKE COTTON FACTORY:--Vide Accounts And Papers, (7.)

SHERBROOKE COUNTY:--Vide Drummond And Sherbrooke.

SHERBROOKE FOREST:--Vide Niagara District.

SHIPPING:--Petition of A. Gaudry, and others, shipowners, &c., of the Ports of Quebec and Montreal, complaining of certain dues imposed on them, and praying relief, (3) 16, (7) 75.

SIMCOE DISTRICT:--Petition of the Simcoe District Council, stating that the grant of £30,000 for improving roads in that District was not applied according to the intention of the Act, and praying relief, (39) 380, (58) 471.

SMITH'S FALLS ROAD COMPANY:--Petition of James Shaw, and others, praying to be incorporated as the Smith's Falls Road Company, (50) 420, (62) 493.

SOLICITOR GENERAL:--Notice of Motion concerning making the office of Solicitor General non-political, 486. Amendment proposed, ((67)) 513. Previous Question moved; Amendment proposed; Motion of "Previous Question", agreed to, ((67)) 514. Withdrawal of Motion proposed, ((67)) 514-539. Withdrawn Motion, ((67)) 539.

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-----Sir Allan Napier MacNab proposed as Speaker, (1) 1-4. The Hon. Augustin Norbert Morin proposed, (1) 4-7. Question that Sir Allan Napier MacNab be Speaker, negatived, on division, (1-2) 7. Mr. Morin elected, nem. con.; He returns his acknowledgments for the honor conferred upon him, (2) 8.

-----Speaker's speech to His Excellency, after his election; His Excellency's reply, through the Speaker of the Council, (2) 13.

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-----Communicates a letter from the Civil Secretary, announcing His Excellency's intention of proroguing the Legislature on the morrow, (71) 607.

-----His Address to His Excellency, on presenting the Supply Bill, (81) 667. Vide Supply.

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SPIRITUOUS LIQUORS:--Petition of the Municipal Council, District of Niag-

ara, representing the injurious effect of the duty on spirits distilled in the Province, (28) 300, (40) 383.

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That a supply be granted to Her Majesty. Notice of Motion, 323. Motion, (38) 344-366. To be considered in a Committee of the whole, (38) 367. Considered, (49) 411-412. Resolution, that a supply be granted to Her Majesty, reported and agreed to; House resolves to go into Committee, to consider of the said supply, (52) 437. Consideration postponed; Messages recommending an issue of debentures for £125,000 for Public Works, and the advance of that amount, and also of £140,000 for the service of 1848, referred, (59) 474. Order of the Day read, (67) 508. Considered, (67) 539-540. Two resolutions reported and agreed to, granting £125,000 for Public Works, and £140,000 for expenses of the Government, (69) 560-579. House resolves to go into Committee to consider of ways and means for raising the supply; Considered, (69) 579. Two resolutions reported and agreed to, for raising the former sum by debenture, and granting the latter out of the Consolidated Revenue Fund, (69) 579-580. Vide below.

-----Bill to defray certain expenses of the Government for 1848, presented and read; Standing Rule suspended; Read second time; Engrossed, (69) 580. Passed, (71) 608. By the Council, (72) 609. Speaker addresses His Excellency on presenting Bill, (81) 667. His Excellency's reply, through the Speaker of the Council; Royal Assent, (81) 667. (11 Vic., cap. 8.)

-----Bill for raising, on the credit of the Consolidated Revenue Fund, a sum of money required for the Public Service, presented and read; Standing Rule suspended; Read second time; Engrossed, (69) 580. Passed, (71) 608. By the Council, (72) 609. Royal Assent, (81) 666. (11 Vic., cap. 9.)

SURVEYORS:--Bill to make better provision respecting land surveyors and the admeasurement of lands in Lower Canada, presented and read, (9) 79. Ordered for second reading, (22) 250, (60) 480. Order for second reading discharged, (64) 498.

-----Petition of the Municipal Council, District of Niagara, for an amendment of the law relative to surveyors and admeasurement of lands, (28) 300, (40) 383.

T.

TAVERN LICENCES:--Petition of Rev. A. Beaudry, and others, of Saguenay, praying that no tavern licences be granted without certificates from the Parish Officers, (19) 243, (25) 287.

TAXES:--Vide Mosa And Williams.

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TEMPERANCE HOUSES:--Vide Intemperance.

THOMPSON, MRS. HANNAH:--Petition of, for relief in regard to certain land granted to her late father, (18) 242, (24) 285.

THOMPSON, JOSEPH RICHARD:--Petition of, for authority to practise as a Solicitor and Attorney in Upper Canada, (12) 132, (19) 244.

TIMBER:--Bill to amend the Act regulating the culling and measurement of a timber, presented and read, (60) 478.

-----Petition of J. B. Vachon, and others, cullers, of Quebec, for amendments to the Act regulating the measurement of timber, &c., (50) 420, (62) 493.

TORONTO ATHENAEUM:--Petition of the President and Secretary of the Toronto Athenaeum, for an Act of Incorporation, (24) 284, (31) 308. Bill presented and read, (48) 410. Read second time; Committed; Considered; Reported; Engrossed, (61) 484. Passed, (62) 491. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 16.)
-----Petition of G. P. Ridout, for a set of the JOURNALS, or any other works, for that Institution, (28) 300, (40) 384.

TORONTO CONSUMERS' GAS COMPANY:--Petition of Charles Berczy, and others, for an Act of Incorporation as the Consumers' Gas Company of Toronto, (6) 74, (15) 160. Referred, (41) 384. Petition of Albert Furniss, on behalf of the Toronto Gas Light and Water Company, against, (50) 420, (62) 493. Report a Bill, (48) 406. Ordered for second reading, (61) 483. Read second time; Committed; Considered; Reported; Engrossed, (64) 499. Petition of Albert Furniss, praying that the Bill may be recommitted, and that the above named Company may be heard by Counsel before the Committee, to represent the claims and rights of the Company, presented; Standing Rule suspended; Petition read; Bill recommitted, (65) 502. Motion, that Bill pass; Motion on title, (65) 504. Motion, that it be recommitted, and that the Toronto Gas Light and Water Company be heard by Counsel against its provisions, negatived, on division, (65-66) 504-505. Bill passed, (66) 505. By the Council, (68) 559. Royal Assent, (81) 666. (11 Vic., cap. 14.)

TORONTO DRY DOCK COMPANY:--Petition of John Ewart, and others, for amendments to the Act incorporating the said Company, (39) 381, (58) 472. Referred, (63) 494.

TORONTO HARBOUR:--Vide Addresses, To His Excellency, (4.)

TOWNSHIP OFFICERS:--Petition of the Municipal Council, District of Wellington, for an amendment of the Township Officer's Act, so as to authorize the Township Clerks to receive the Returns of the Pathmasters upon their declaration, (6) 47, (12) 133.

TRAFALGAR, ESQUESING, AND ERIN ROAD COMPANY:--Petition of the Company, praying that the Gore and Wellington District Councils may be allowed to take stock in the said Company, (22) 254, (26) 288. Referred, (37) 333. Report, (47-48) 405-406.

TRINITY HOUSES:--Vide Accounts And Papers, (9.)

TUNKERS:--Vide Militia.

TURNPIKE ROADS:--Vide Accounts And Papers, (15.); Montreal Turnpike Roads; Quebec Turnpike Roads; Waterloo And Hamilton Road.

U.

UNITED STATES:--Vide Mills.

UPTON:--Petition of F. A. M'Donald, and others, for annexation of certain ranges of that Township to the County of Shefford, (28) 300, (40) 383.

USURY LAWS:--Petition of J. T. Brondgeest, and others, of Hamilton, for the repeal or amendment of the Usury Laws, (19) 243, (25) 286.

-----Bill to amend the Laws against Usury. Notice of Motion, 66. Insistence that this Motion take precedence over another, ((35)) 321. Bill presented and read, (37) 333.

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VANSITTART, JOHN GEORGE:--Vide Election, Controverted, Oxford; House.

VOLLER ((OR VOLLAR)), JAMES:--Petition of, for a retired allowance as a Messenger of the House, (24) 284, (30) 306.

W.

WATERLOO COUNTY:--Vide Addresses, To His Excellency, (7.)

WATERLOO AND HAMILTON ROAD:--Bill to incorporate a Company to construct a turnpike road from Waterloo to Hamilton, presented and read, (52) 437.

WELLAND, RIVER:--Petitions for the deepening of the cut at the outlet of the River Welland, to render the vicinity more healthy: Of the Municipal Council, District of Niagara, (28) 300, (40) 383. Of Simcoe Chapman, and others, (62) 491, (66) 506.

WELLINGTON DISTRICT:--Petition of the Municipal Council, District of Wellington, against a division of the District, (6) 47, (12) 133.

WELLS, ALPHONSO:--Petition of, for remuneration for his services as a Commissioner respecting the boundary line between Canada and New Brunswick, (12) 132-133, (20) 245.

WESTERN DISTRICT:--Petition of H. Jones, and others, for a division of the Western District, (18) 242, (24) 285.

WESTERN TELEGRAPH COMPANY:--Petition of Malcolm Cameron, and others, for an Act of Incorporation to construct a telegraph line from Hamilton to the south end of Lake Huron, (19) 242, (25) 286. Bill to incorporate the Western Telegraph Company, presented and read, (48) 409. Read second time; Referred to the Committee on Railways and Telegraph Lines, (52) 438. Leave given to Committee to report thereon forthwith; Sixty-third Rule suspended; Reported; Committed, (59) 473. Considered, (59) 473-474. Reported, (63) 496-497. Engrossed, (63) 497. Passed, (65) 503. By the Council, (68) 559. Royal Assent, (80) 666. (11 Vic., cap. 15.)

WESTON PLANK ROAD:--Motion concerning amendment of Weston Plank Road Bill; Motion rejected, 224.

WHITBY AND PICKERING ROAD:--Bill to incorporate the Whitby and Pickering

Road Company, presented and read, (59) 477.

WILLIAMS:--Vide Mosa And Williams.

WRIGHT, RUGGLES:--Petition of, complaining that certain slides constructed by him at the Chaudière Falls are rendered unprofitable by the construction of others by the Board of Works, and praying the Government to purchase the same, (22) 254, (26) 288.

WRITTEN MEMORANDA:--Bill to render written memoranda necessary in certain cases, presented and read, (59) 474.



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